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ABSTRACT

The seventh annual report to Congress of the National Advisory Council on Indian Education details the Council's activities during 1979. Part I explains the Council's 12 final recommendations to Congress and the Secretary of Education, which include leaving the Office of Indian Education Programs within the Bureau of Indian Affairs; transferring certain Indian Education programs to the new Department of Education; continuing and defining the primary role of the Office of Indian Education; increasing the funding for Indian education through PL 81-815; funding the implementation of the Tribally Controlled Community College Act of 1978; and enacting the National Indian Omnibus Library Bill. Part II shows the state-by-state distribution of 1979 Title IV funding for Parts A, A(Non-LEA), B, C, and Indian Fellowships. Part III presents profiles of eight Title IV programs and six Indian Fellowship recipients studying in various United States universities. Part IV presents summaries of the Council's four full Council meetings and two committee meetings held during 1979. Part V presents some unmet educational needs and concerns expressed during the year by the Indian community. Appendices include texts of legislation, letters, federal documents and a legal position paper relevant to Indian education. (SB)

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EDUCATION FOR INDIAN SURVIVAL AS A PEOPLE: A GOAL FOR THE 1980's

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The Seventh Annual Report to the Congress of the United States

National Advisory Council on Indian Education

June 1980 Washington, D.C.

RC012699

Dr. Robert J. Swan, (Chippewa-Cree), Chairperson of The National Advisory Council on Indian Education

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June 1980

To the Congress of the United States

As the decade of the 70's comes to a close, Indian people and Alaskan Natives can look back and reflect upon the numerous achievements during the "Self-Determination Period" of this past decade. The National Advisory Council on Indian Education, along with other national, regional and local Indian organizations and tribes, entered a new spirit of cooperation with the U.S. Congress. The 70's, as pointed out by many Indian leaders, can be declared as the most important decade for Indian people in terms of legislation, appropriations and commitments from the U.S. Congress, not only in Indian Education, but in all areas of government that provide services to Indian people.

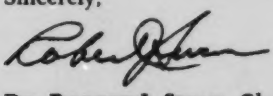
With the passage of the Indian Education Act, P.L. 92-318, Title IV, new avenues were created in meeting the special educational and cultural needs of Indian and Alaskan Native children and adults. Other important legislation passed in the 70's included the Indian Self-Determination and Educational Assistance Act, P.L. 93-638; the Educational Amendments of 1978, P.L. 95-561; Indian Community College Act, P.L. 95-471; and, most recently, the creation of the Department of Education, P.L. 96-88. New legislation and increased appropriations made it possible for Indian people to begin to plan our educational programs, set educational priorities and to commence to meet our educational needs that have historically been neglected by the Federal Government.

During the past year, the National Advisory Council on Indian Education conducted meetings throughout the United States in Washington, D.C.; Bangor, Maine; Reno, Nevada; and Denver, Colorado. Major concerns addressed included the development of new rules and regulations for Title IV as mandated through P.L. 95-561; gathering testimonies and providing recommendations to the Office of Indian Education for the new Indian Education Resource and Evaluation Centers that will be created in 1980; the 1% Vocational Education set-aside program for Indian tribes and organizations; the Indian Definition Study; providing a forum for Indian education concerns to be heard and transmitted to the

U.S. Congress and government agencies; and providing recommendations to the Department of Education during the transition stage on the placement of the Office of Indian Education.

The National Advisory Council on Indian Education's theme for the Seventh Annual Report "Education for Indian Survival as a People: A Goal for the 1980's" is quite appropriate as we enter the 80's. It is with this philosophy that we enter a new decade, a decade that should be challenging as the 70's and as fruitful.

Sincerely,



DR. ROBERT J. SWAN, *Chairman*
National Advisory Council on Indian Education

PERM. BUILDING, SUITE 326 425 13th STREET, N.W. WASHINGTON, D.C. 20004

FOREWORD

June 1980

This is the *Seventh Annual Report to the Congress of the United States* submitted by the National Advisory Council on Indian Education. At no other time in recent memory has "Indian education" been confronted directly with "change" than that experienced during the past year. In one instance, a proposed change took the form of an administrative reorganization, namely, the proposed transfer of Indian education programs from the Office of Indian Education Programs at the Bureau of Indian Affairs, located within the United States Department of the Interior, to the newly established Department of Education. In another instance, a legislative change, mandated by P.L. 96-88, the Department of Education Organization Act, afforded the new Secretary of Education broad discretionary reorganization powers regarding the placement of the Office of Indian Education and its programs established by P.L. 92-318, within the new Department of Education (ED). With regard to the first proposed change, the National Advisory Council on Indian Education joined with all the national Indian organizations in their total opposition to the proposed transfer of Bureau of Indian Affairs Indian Education Programs to the Department of Education. Our joint effort succeeded primarily due to the active participation of Congressman Dale Kildee, and several of his colleagues within the United States House of Representatives, all of whom were responsible for successfully deleting the "BIA Transfer Provision" from the House Bill. In the absence of this major effort on behalf of the requests by Indian people, the proposed transfer would surely have been implemented. With regard to the second change, which is identified above as the placement of the Office of Indian Education within the new Department of Education, we must report that the Office of Indian Education and its programs were not maintained as a separate organizational entity within the new Department of Education. Although it was recommended strongly by the Deputy Commissioner of the Office of Indian Education, the Indian Education Task Force of the Department of Education Transition Team, the Indian Education Caucus of the National Education Association, the National Advisory Council on Indian Education, and several national Indian organizations that the Office of Indian Education remain a separate organizational entity within the new Department of Education, and that its Administrator report directly to the new Secretary of Education, our recommendations

were rejected. The new Secretary of Education elected to place the Office of Indian Education and its programs under the jurisdiction of the Assistant Secretary for Elementary and Secondary Education, ESEA, Title I. Time alone will determine whether our deep concerns in opposition to such placement of Indian education programs were justified. However, the final recommendations of the National Advisory Council on Indian Education, contained in last year's report, and which are repeated in this report, are now part of the public record, as are the recommendations of those organizations and groups which shared our point of view.

Clearly, a major part of the work of the Council during the past year focused upon the placement of the Office of Indian Education in the new Department of Education. In so doing, the Council fulfilled its official responsibilities to both the United States Congress and the President of the United States, via the Secretary of Education, regarding our best advice concerning the organizational structure of the new Department of Education.

During the past calendar year, which extended from January 1, 1979 to December 31, 1979, the Council worked toward the achievement of eight prioritized goals, including the following:

1. The Council will increase its advocacy role in the funding of Indian Education;
2. The Council will maximize its communication with Indian people in the field; via the development of an information dissemination network including press releases, newsletter, and other means;
3. The Council will review the internal management system of the NACIE Office and recommend improvements and revisions where needed;
4. The Council will work toward the improvement of public relations activities designed to promote and improve the Council image nationwide;
5. The Council will monitor more closely the activities of the Office of Indian Education through the development of a "data collection system" and provide positive feedback to the Office of Indian Education which will improve the administration of the programs of the Office;
6. The Council will maximize its efforts to coordinate with other national organizations;
7. The Council will develop a media production of the role of NACIE; and
8. The Council will explore the possibility of producing additional educational reports on vital Indian issues.

In assessing our progress toward accomplishing these goals, we have made progress toward the attainment of five of the eight goals stated above. These include goals #1, 2, 3, 4, and 6. Specifically, we have increased our advocacy role in the funding of Indian Education programs at the Department of Education, and have been successful in increasing the annual budget of the National Advisory Council on Indian Education. Second, we have participated with all the other national Indian organizations in a major press release related to the proposed transfer of the Bureau of Indian Affairs Education Programs to the Department of Education, and have established a monthly newsletter for the purpose of communicating important information in Indian education to the Indian community. Third, we have improved the internal management system of the NACIE office, but are still understaffed to complete all the work that needs to be done. Fourth, we have attempted to improve the Council image nationwide, by actively reporting our activities to the Indian public at large. And, Sixth, we have coordinated our efforts with other National Indian organizations by hosting several meetings attended by the majority of National Indian organizations to discuss critical issues in Indian education. Much more work needs to be done to establish a mechanism by which all the national Indian organizations may discuss critical issues in Indian education on a regular basis. Three goals, including #5, 7, and 8, have not been attained. First, with regard to goal #5 identified above, the Council was unable to develop a "data collection system" as anticipated. The reasons why this goal was not achieved are twofold. First, program data at the Office of Indian Education was not in suitable form to place in a computerized data bank for our review at the national office. We had hoped to install a terminal at the national office which would have been linked to the National Center for Educational Statistics for the purpose of reviewing specific Indian educational programs. Second, due to a lack of personnel in our office, we are unable to develop our own primary data bank of Indian education programs for the purpose of research. With regard to goal #7, the Council has not developed a media production of the role of the National Advisory Council on Indian Education. Once again, lack of personnel and adequate funds have delayed the attainment of this goal. We would like to produce a film cassette describing visually the role of the National Advisory Council on Indian Education for members of Indian communities and the public at large. Although the Council has been involved in several vital Indian issues throughout the course of the year, we have not been able to produce interim reports identifying vital Indian

issues as planned in goal #8. Again, personnel and budget constraints impeded our progress. These last three goals which have not been attained will be reviewed during the coming year.

Other important activities of the Council during the past year included the following. Our national office has improved the dissemination of important information related to Indian education to our NACIE Council members and to members of the Indian community at large. We have submitted testimony before the Committee on Education and Labor of the U.S. House of Representatives. In addition, we convened a meeting of the Technical Assistance, Research, and Evaluation Committee on June 1-2, 1979, in Reno, Nevada, for the purpose of hosting a public hearing relative to the establishment of the new Technical Assistance Centers which were proposed by the Office of Indian Education. It is significant that this was the first hearing whereby members of the Indian community were afforded an opportunity to present their view points regarding the organization and implementation of these centers. Testimony received was transcribed and presented to Dr. Gerald Gipp, Deputy Commissioner of the Office of Indian Education, as well as to the Committee on Education and Labor, U.S. House of Representatives. In an effort designed to improve the communications between the Office of Indian Education at the Department of Education and the Office of Indian Education Programs at the Bureau of Indian Affairs, our Council organized an informal organization known as the "Indian Education Coordinating Committee." Members of this new Committee included Dr. Earl Barlow, Director, Office of Indian Education Programs, Bureau of Indian Affairs; Dr. Gerald Gipp, Deputy Commissioner, Office of Indian Education, U.S. Office of Education; Dr. John Tippeconnic, Associate Deputy Commissioner, Office of Indian Education, U.S. Office of Education; and myself, Executive Director, National Advisory Council on Indian Education. Several meetings of this new informal organization have occurred since its creation this past year. It is our firm belief that our efforts have initiated a close working relationship between both agencies of the Federal Government, which are responsible for the education of Indian people in the United States. In the future, we hope that the directors of additional agencies of the Federal Government involved with Indian education will be able to join our "Indian Education Coordinating Committee" for the purpose of coordinating on a timely basis the expenditure of funds on behalf of Indian education by the Government. Furthermore, the Council has been in close contact with top officials at the United States Department of the Interior and the Bureau of Indian

Affairs for the purpose of identifying the reasons why that Agency has not matched the 1% Indian Vocational Education set-aside mandated by P.L. 95-40, included in the amendment to the Vocational Education Act of 1963. To date, the Department of Education has met its responsibilities with regard to this law, but the Bureau of Indian Affairs has elected to apply for a waiver of its responsibilities under the Act.

Our Council has fulfilled its responsibilities identified in P.L. 92-318, which by the way, far exceeds similar responsibilities of the other National Advisory Councils. Although we did not achieve all of our goals identified for the past year, we believe the goals the Council achieved were significant, and we will continue to meet effectively the problems and issues being confronted by the Indian community with regard to Indian education, and thereby impact in a positive manner the quality of Indian education in the United States. As we embark upon the decade of the 1980's, our Council will continue to strive for "Education for Indian Survival As A People."

DR. MICHAEL P. DOSS, Crow
Executive Director

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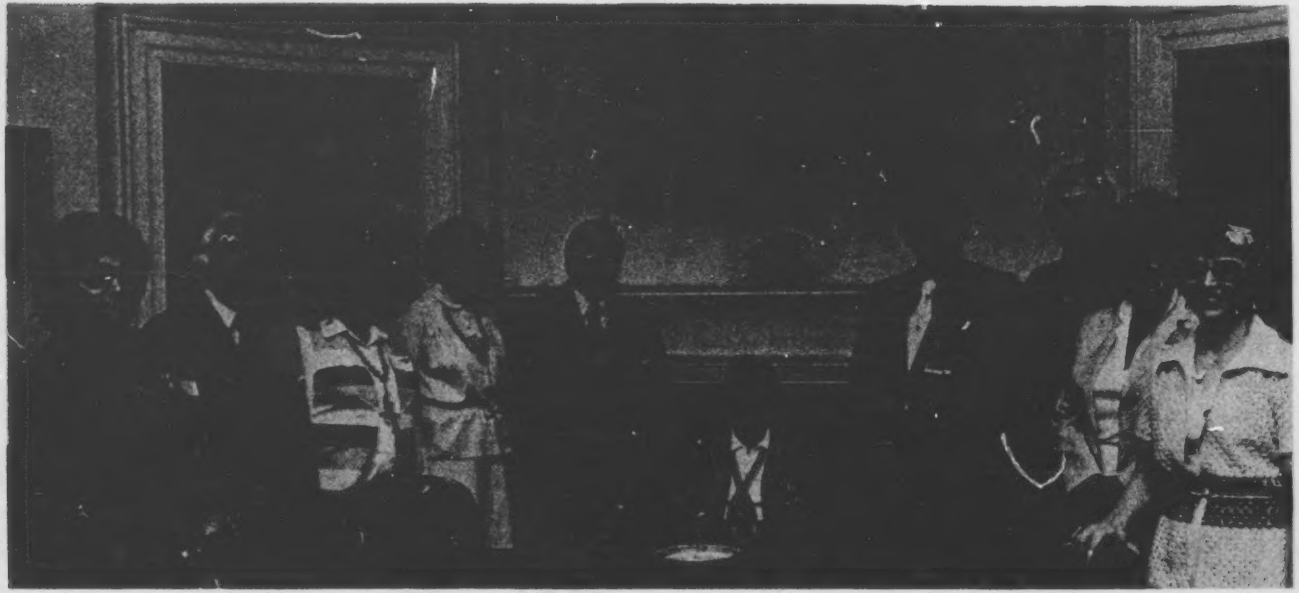
INTRODUCTION

The National Advisory Council on Indian Education was created by the Congress of the United States via P.L. 92-318, on June 23, 1972, and is comprised of fifteen members who are American Indians and Alaskan Natives appointed by the President of the United States to serve a maximum three year term of office. The Council is charged by law to advise both the Congress and the President, via the Secretary of Education, in several areas concerning the administration of programs located primarily within the Department of Education in which Indian children and adults participate and from which they can benefit. Our final recommendations are contained in our Annual Report to the Congress and the Secretary of Education. It is important to understand that the National Advisory Council on Indian Education is not a policy making board, but serves in an advisory capacity only. The reader is directed to Appendix A for a complete list of the functions of the National Advisory Council on Indian Education.

On November 1, 1978, via P.L. 95-561, contained in Appendix B of this report, the Congress extended the life of the Council through October 2, 1983. The following *Seventh Annual Report to the Congress of the United States* is comprised of five parts. Part I contains our final recommendations to the U.S. Congress and the Secretary of Education. It should be noted that these recommendations were approved during calendar year 1979. Part II contains an estimated State-by-State Distribution of Funds Obligated by Title IV of P.L. 92-318, during Fiscal Year 1979. Part III contains profiles of programs and fellowships funded by Title IV in Fiscal year 1979. Part IV contains a discussion of the major activities of the Council during the past year. And, Part V identifies a list of unmet needs and concerns expressed by members of the Indian community to the National Advisory Council on Indian Education.



THE ROOSEVELT ROOM AT THE WHITE HOUSE
April 19, 1979

*Left to Right: (1) Ms. Maxine Edmo; (2) Mr. David Risling; (3) Ms. Patricia McGee; (4) *Ms. Ruby Ludwig; (5) *Mr. Wayne Newell; (6) Ms. Viola Peterson, Chairperson; (7) *Dr. Robert Swan; (8) Mr. Thomas Thompson; (9) *Ms. Joy Hanley; and, (10) *Ms. Violet Rau. Official Swearing-In Ceremony for Five New Council Members: (*)*

PART I

Final Recommendations to the United States Congress and the Secretary of Education

This past year, the National Advisory Council on Indian Education offered our best advice to the Congress of the United States and the Secretary of Education with regard to the proper location of the responsibility within the Federal Government relative to the administration of Indian education programs. In fact, our last Annual Report submitted in June 1979, entitled, ***Indian Education is Sui Generis: Of Its Own Kind,*** was rewritten for the purpose of presenting our concerns regarding the location of the Office of Indian Education Programs in the new Department of Education directly to the Secretary of Education in time to be of value to her as she approached her final decision regarding organizational placement. Although printed in our Sixth Annual Report, these recommendations are part of Council business conducted this past year and, therefore, have been included in this Seventh Annual Report. It may prove helpful to recount briefly the proposed Federal interventions in Indian Education which precipitated our recommendations from the National Advisory Council on Indian Education.

During the past year, the National Advisory Council on Indian Education confronted two major Federal interventions in the field of Indian Education. Both Federal interventions were related to the proposed creation of the new Cabinet Department of Education. The first recommendation for change was included in a letter received by our Council from President James Earl Carter on July 9, 1978 (SEE: Appendix H). The President of the United States proposed that the Indian Education Programs now located in the Bureau of Indian Affairs (BIA) be transferred to the new Department of Education. The President stated that this transfer would make Federal school-based programs more effective by improving the delivery of education services to Indians. Furthermore, the letter stressed the following: ". . . this transfer will not change the special relationship between the Federal Government and Indian people in any way . . .". Although not included in Senate Bill 210, which was introduced in the United States Senate by Senator Abraham Ribicoff, Chairman of the Committee on Governmental Affairs, an amendment to the companion House Bill 2444, introduced by Representative Robert S. Walker, included a provision to transfer all functions of the Secretary of the Interior, or the Department of the Interior relating to the education of Indians, Alaskan Natives and Aleuts, to the newly proposed Department of Education (SEE: Appendix I). With the active participation of several key Congressmen, the "Walker Amendment" which included the transfer provision was deleted on the floor of the U.S. House of Representatives. As indicated in our first Final Recom-

mendation below, the National Advisory Council on Indian Education opposed strongly the proposed transfer of the Bureau of Indian Affairs education programs from the Department of the Interior to the Department of Education.

The second Federal intervention in Indian Education was incorporated in P.L. 96-88, the Department of Education Organization Act of October 17, 1979. In Section 413(b)(1), the Secretary of Education was afforded the authority to consolidate, alter or discontinue 14 statutory entities, including the Office of Indian Education (SEE: Appendix E). Understandably, the National Advisory Council on Indian Education was very concerned about the future placement of the Office of Indian Education in the new Department of Education. Our Final Recommendations are represented below for your review.

In addition to advising formally both the Congress of the United States and the Secretary of Education, the National Advisory Council on Indian Education was instrumental in the creation of a special "Task Force on Indian Education to the Department of Education Transition Team." The conclusion of the "Indian Education Task Force" regarding organizational placement of the Office of Indian Education concurred with the Final Recommendations of our Council. In addition, our Final Recommendations, identified below, concur with the recommendations of the Deputy Commissioner of the Office of Indian Education, the Indian Education Caucus of the National Education Association, and several additional Indian organizations. However, on April 28, 1980, we were advised by Secretary Shirley M. Hufstedler, the new Secretary of Education, that Indian Education Programs and Migrant Education Programs were assigned separate offices within the Office of Elementary and Secondary Education and, would report directly to the Assistant Secretary for Elementary and Secondary Education, Title I (SEE: Appendix J).

Our Final Recommendations are based upon eleven concerns which the Council selected to bring to the attention of the Congress and the Secretary of Education. Clearly, the first seven concerns are related directly to the role and placement of Indian Education Programs managed by the Bureau of Indian Affairs at the U.S. Department of the Interior and the Office of Indian Education located within the Department of Education.

1. A concern that the Office of Indian Education programs remain within the Bureau of Indian Affairs and not be transferred to another agency of the Federal Government.

The National Advisory Council on Indian Education asserts strongly that the Director of the Office of Indian Education Programs at the Bureau of Indian Affairs be allowed sufficient time in order to implement fully P.L. 95-561, which we feel will improve greatly the administration of Indian educational programs within the Bureau of Indian Affairs. In addition, we feel that the Director of the Office of Indian Education Programs at the Bureau of Indian Affairs must be given sufficient human resources, financial resources, and top management support to implement effectively the many changes identified by that legislation.

We recommend to the Congress of the United States that the Office of Indian Education Programs at the Bureau of Indian Affairs, U.S. Department of the Interior, remain intact and not be subject to transfer to the Department of Education or any other agency of the Federal Government.

2. A concern that both the Office of Indian Education and the National Advisory Council on Indian Education will not be consolidated or altered without prior consultation with the Council and, furthermore, that the Office of Indian Education and the National Advisory Council on Indian Education will not be discontinued.

The National Advisory Council on Indian Education has been very attentive to the effect which the establishment of the new Department of Education will have upon the future role of both the Office of Indian Education and the National Advisory Council on Indian Education. Public Law 96-88, the Department of Education Organization Act, which passed the Congress on October 17, 1979, Section 413(b)(1), afforded the Secretary of Education with broad reorganization authority to consolidate, alter, or discontinue fourteen statutory entities or to reallocate their functions. The Office of Indian Education was identified among this list (SEE: Appendix E).

The Council is concerned first that both the Office of Indian Education and the National Advisory Council on Indian Education will not be discontinued. Furthermore, we contend that neither organization should be consolidated or altered without prior consultation with the National Advisory Council on Indian Education.

We recommend to the United States Congress and the Secretary of Education that the Office of Indian Education and the National Advisory Council on Indian Education not be discontinued; furthermore, that neither organization will be consolidated or altered without prior consultation with the National Advisory Council on

Indian Education. (Reference section 413(b)(1) in the U.S. Senate Report, September 21, 1979)

3. A concern that the current organizational structure of the Office of Indian Education remain a distinct and separate organizational entity within the newly created Department of Education.

The National Advisory Council on Indian Education asserts strongly that the education of Indian children throughout the United States is of its own kind. In making this statement, we do not imply that we are seeking a quality of education for our children which is better than that offered to non-Indian children throughout the United States; however, we want to insure that the special educational and cultural needs of Indian children receive an adequate response from those agencies of the Federal Government which are charged with the responsibility for the delivery of such services. The newly created Department of Education now contains the Office of Indian Education Programs. Our Council feels strongly that it is a responsibility of the Congress and the Secretary of Education to insure that that new organizational structure within the Department of Education, charged with the responsibility of educating Indian children throughout the United States, remain a distinct and separate entity responsive to the special educational and cultural needs of Indian children, and that its Administrator report directly to the new Secretary of Education. The National Advisory Council on Indian Education will stand ready to work with the Congress of the United States, the Secretary of Education and the Office of Management and Budget to provide our advice regarding the most effective type of organizational structure needed to address the special educational and cultural needs of Indian children.

We recommend to the Congress of the United States and the Secretary of Education that the organizational structure of the Office of Indian Education remain a distinct and separate organizational entity within the new Department of Education, and that its administrator report directly to the Secretary of Education, in order that it may implement effectively Indian educational programs under Title IV of P.L. 92–318, as amended by P.L. 95–561, designed to meet the special educational and cultural needs of Indian children and adults throughout the United States.

4. A concern that the Indian Educational Programs contained in Title IV of P.L. 92-318, as amended by P.L. 95-561, remain separate and distinct programs designed to meet the

special educational and cultural needs of Indian children within the new Department of Education.

The National Advisory Council on Indian Education looks forward to the opportunity to work closely with the Congress of the United States, the Secretary of Education, and other Governmental Agencies to insure that all programs administered under Title IV of the Indian Education Act, presently managed by the Office of Indian Education, be transferred intact to the new Department of Education. We agree fully with the following Senate Committee Report, which established the Office of Indian Education, that separate and distinct Indian educational programs, managed by professional Indian educators, will continue to provide the most effective administration of Indian educational programs:

> "This committee believes that in the past the Office of Indian Education has not recognized the priorities needed in Indian Education and has failed to keep adequate data in this field. Furthermore, evaluation of programs funded by OE and dissemination of program information has likewise proved inadequate. It is believed that the centralization of authority and responsibility in a new Bureau will go towards remedying these past inadequacies." [S. REP. NO. 346, 92ND CONGRESS, 1ST SESSION 102 (1971)]

We recommend to the Congress of the United States and the Secretary of Education that all Indian educational programs contained in Title IV of P.L. 92-318, be transferred intact to the Department of Education and that they remain separate and distinct programs designed to meet the special educational and cultural needs of Indian children and adults throughout the United States.

5. A concern that the National Advisory Council on Indian Education continue to advise both the Congress and the new Secretary of Education as mandated by P.L. 92-318, Part D, Section 442.

The National Advisory Council on Indian Education must continue to advise both the Congress of the United States and the new Secretary of Education regarding the improvement of Federal Education programs in which Indian children and adults participate, or from which they can benefit, including all additional functions of the Council identified in P.L. 92-318, Part D, Section 442.

We recommend to the Congress of the United States that the National Advisory Council on Indian Education remain intact and con-

tinue to advise both the Congress and the new Secretary of Education as mandated by P.L. 92-318, Part D, Section 442.

6. A concern that no fewer than two American Indians and/or Alaskan Natives be appointed to the Intergovernmental Advisory Council on Education as established in Section 213(a) of P.L. 96-88, the Department of Education Organization Act.

At a meeting of the National Advisory Council on Indian Education in Denver, Colorado, on November 30, 1979, the Council voted unanimously to recommend that no fewer than two American Indians and/or Alaskan Natives be appointed to the Intergovernmental Advisory Council on Education within the new Department of Education. The Council feels that meaningful Indian participation on this new Intergovernmental Advisory Council on Education will insure that the Indian educational needs will be given full consideration in the future.

We recommend to the Secretary of Education that no fewer than two American Indians and/or Alaskan Natives be appointed to the Intergovernmental Advisory Council on Education as established in section 213(a) of P.L. 96-88, The Department of Education Organization Act.

7. A concern that since approximately $250 million is annually appropriated by Congress for the education of American Indians and Alaskan Native children and adults within the Department of Education that one primary role of the Office of Indian Education shall be that of coordinating the delivery of educational services to American Indians and Alaskan Natives.

The National Advisory Council on Indian Education is aware that approximately $250 million is located within the Department of Education for the Education of American Indian and Alaskan Native children and adults. However, it is not certain that Indian and Alaskan Native educators throughout the United States are aware of the many programs which are available to them in the new Department of Education. Therefore, the Council would like to recommend that the primary role of the Office of Indian Education shall be one of coordinating the delivery of educational services to American Indians and Alaskan Natives throughout the United States. Perhaps one approach might include the compilation of a directory of funds available to American Indian and Alaskan Native educators on a yearly

basis for the purpose of identifying financial resources in the Department of Education.

We recommend to the Secretary of Education that since approximately $250 million is annually appropriated by the Congress for the education of American Indians and Alaskan Native children and adults that the primary role of the Office of Indian Education shall be one of coordinating the delivery of educational services to American Indians and Alaskan Natives throughout the United States.

8. A concern that funds are appropriated by the Congress of the United States to implement fully P.L. 95-471, the Tribally Controlled Community College Assistance Act of 1978.

In 1978, the Congress of the United States enacted P.L. 95-471, the Tribally Controlled Community College Assistance Act of 1978. The Act authorized to be appropriated the amount of $25 million for each of the fiscal years beginning October 1, 1979, and October 1, 1980, and $30 million for the fiscal year beginning October 1, 1981, to aid in the postsecondary education of Indian students by providing grants to the general operating funds of the institutions to defray the expense of activities related to the education programs for Indian students. In addition, the Act authorized to be appropriated $3,200,000 for each year of the three fiscal years for the provision of technical assistance to the Tribally Controlled Community Colleges. The National Advisory Council on Indian Education supports strongly the full appropriation of funds identified in the Act, which are vitally important to service the postsecondary educational needs of Indian students residing on or adjacent to Indian reservations.

Our Council feels strongly that Indian Human Resources are our most important resource. The Tribally Controlled Community Colleges offer significant promise toward the development of Indian human resources to meet the many problems and challenges faced by all Indian tribes in the coming decade. It is imperative that the Congress assist the Tribally Controlled Community Colleges by the provision of funds crucial to their development.

We recommend to the Congress of the United States that full funding be made available in FY '81 and FY '82 for the implementation of P.L. 95-471, The Tribally Controlled Community College Act of 1978.

9. A concern that adequate funds are not available through P.L. 81-815, providing financial assistance for school construction in Federally affected areas to provide for the educa-

tional housing needs of Indian students in public school districts in the United States.

At a meeting of the National Advisory Council on Indian Education in Bangor, Maine, on July 18, 1979, it was brought to the attention of the Council that there are applications on file with the Federal Government for more than $350 million to build public schools on Indian lands for Indian children, while the Congress appropriates only $15 million annually to meet these building needs. In the absence of an educational environment which is conducive to learning, young Indian students will be forced to attend school in inadequate school buildings. The National Advisory Council on Indian Education believes that increased funding for the construction of public schools for Indian children on Indian lands should be increased significantly during the decade of the 1980's in order to assure that all Indian children will have an educational environment which will insure the provision of a quality education. Our Council looks forward to the opportunity to work closely with the Secretary of Education in her efforts to make Indian schools safe for the children they serve. ***We recommend to the Congress of the United States and the Secretary of Education that P.L. 81-815, providing financial assistance for school construction in federally affected areas, be increased significantly during the period of the next five to seven years, encompassing the 1980's, in order that all Indian children will have a learning environment conducive to providing a quality education.***

10. A concern that language contained in S. 916, the Native Hawaiian Education Act of 1979 would dilute the Federal-Indian trust relationship established by treaties.

At a meeting of the Council held on November 30, 1979, in Denver, Colorado, the National Advisory Council on Indian Education adopted fully the concept need addressed by S. 916, the Native Hawaiian Education Act of 1979, to provide for the educational needs of Native Hawaiians. However, we oppose strongly the provision contained in the Act, which would amend Section 9, Section 441 of the Indian Education Act, to require that the Office of Indian Education shall have further responsibility for administering Native Hawaiin programs. The Council contends that the Federal-Indian trust relationship established by treaties is a unique characteristic of the political and historical relationship enjoyed solely by American Indians and Alaskan Natives. We must assert that the Office of Indian Education should not be required to administer educational programs on behalf of Native Hawaiians, since to do so may affect

adversely the special relationship between the Congress and the American Indian tribes.

We recommend to the Congress of the United States and the Secretary on Education respectively, that the Native Hawaiian Education Act be amended to preclude the Office of Indian Education from the responsibility of administering Native Hawaiin Education programs in the Department of Education.

11. A concern that at the present time there is no funding in any Federal agency dedicated to the development or operation of library systems or services of any type in Indian country; such funds as do actually go to the reservations or to Indian communities are sporadic, haphazard, and often project oriented.

Federal agencies are increasingly aware that Federal Trust Responsibility relating to education mandates inclusion of library and information resources and, that this responsibility cuts across all Federal agencies. Elements of this service to Indian communities are a responsibility to be shared by the Department of Education with the U.S. Department of the Interior.

The National Advisory Council on Indian Education endorsed the resolution on a National Indian Omnibus Library Bill passed by the White House Pre-Conference on Library and Information Services and, supports inclusion of its titles in any National Library and Information Services Act that is to be considered and passed by the Congress (SEE: Appendix G).

Library and information resources conveniently accessible at a compensatory level are urgently needed by the American Indian and Alaskan Native people living in reservation, rural, or urban communities.

The National Advisory Council on Indian Education affirms its conviction that a mandated provision of library and information services adequate to meet the educational needs of Indian people must be planned cooperatively by the U.S. Department of Education and the U.S. Department of the Interior, and should be made a demonstration of joint trust responsibility between the two Departments.

We recommend to the Congress of the United States and the Secretary of Education the enactment of a national Indian omnibus library bill.

12. A concern that the Library of Congress does not contain an "American Indian and Alaskan Native Reading Room" for the purpose of establishing a separate and distinct location

within the National Library in which Indian people may conduct basic research related to Indian education.

While it has come to the attention of the National Advisory Council on Indian Education that many sub-populations of the American community have enjoyed separate "reading rooms" located in the Library of Congress, including the newly dedicated James Madison Building, which have been established separately for their utilization in conducting research related to their people, no such space has been provided for an "American Indian and Alaskan Native Reading Room"

Both American Indians and Alaskan Native educators, students, and other members of our communities need a specific location within the Library of Congress where they may conduct educational and historical research related to their distinct cultural histories.

We recommend to the Congress of the United States and the Secretary of Education the establishment of an "American Indian and Alaskan Native Reading Room" within the Library of Congress.

PART II

A State by State Distribution of Title IV Funding for Parts A, A (Non-LEA), B, C, and The Indian Fellowships Fiscal Year 1979

The following sections include a State by State Distribution of Funds awarded to Title IV grantees in Parts A, A (non-LEA), B, C, and the Indian Fellowships for Fiscal Year 1979, managed by the Office of Indian Education within the U.S. Office of Education. All data are based upon the records of the Office of Indian Education at the U.S. Office of Education and represent approximate estimates. The five tables below demonstrate where the funds for each particular Part of Title IV were allocated and the percentage each allocation of the total amount distributed. It is very important to note the difference between the amount of funds requested, and the amount actually granted. In each case, the total entitlement or request far exceeded the monies available in Fiscal Year 1979. Now, we will turn to a discussion of the Title IV, Part A program.

A. TITLE IV—PART A FUNDING IN FY 1979: The Grant Entitlement Program

First, it is appropriate to describe briefly the Part A program. Generally, it is a grant entitlement program to local educational agencies comprised of both public and tribal schools. The amount of grant award is determined by the total number of Indian students enrolled.

Table 1, on the following page, represents a State by State Distribution of Title IV, Part A funding for FY 1979. The "Amount Entitled" is drawn from the list of those 1201 school districts which both applied and were entitled to Part A funds. Those local educational agencies which were eligible, but nevertheless did not apply, are not included in this column. If all 3621 eligible applicants had applied, the full entitlement would have been significantly higher than the $527,584,572.00, as identified in column two. As indicated in column five, "Funds Obligated," the total allocation was in the amount of $43,635,769.00. In column four, "Percentage of Total," we find that five States received 58.78% of the total, or $25,648,788.00.

State	*Funds Obligated*	*% of Total*
1. Oklahoma	$ 8,165,506	18.71%
2. Alaska	$ 5,456,380	12.50%
3. California	$ 5,084,626	11.70%
4. Arizona	$ 3,989,393	9.10%
5. Michigan	$ 2,952,883	6.77%
TOTAL	$25,648,788	58.78%

The remaining forty-five States received 41.23% of the funds, or $17,986,981.00.

TABLE 1
STATE BY STATE DISTRIBUTION OF TITLE IV—PART A FUNDS
LOCAL EDUCATIONAL AGENCIES
FISCAL YEAR 1979

State	*Applications Received*	*Amount Entitled*	*Applications Approved*	*Funds Obligated*	*% of Total*
Alabama	6	$ 2,188,097	6	$ 180,383	.41
Alaska	43	65,970,290	43	5,456,380	12.50
Arizona	58	48,253,700	55	3,989,393	9.10
Arkansas	1	343,904	1	28,448	.07
California	163	61,485,608	156	5,084,626	11.70
Colorado	9	2,799,752	8	231,566	.53
Connecticut	3	318,716	3	26,361	.06
Delaware	-0-	-0-	-0-	-0-	-0-
District of Columbia	-0-	-0-	-0-	-0-	-0-
Florida	5	657,865	4	54,412	.12
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-	-0-	-0-
Idaho	13	2,373,388	8	196,302	.45
Illinois	2	1,980,623	2	163,817	.38
Indiana	3	53,969	1	4,464	.01
Iowa	3	1,097,746	3	90,794	.21
Kansas	8	1,948,906	7	161,193	.37
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	7	4,954,329	7	409,771	.94
Maine	4	685,032	4	56,659	.13
Maryland	6	2,574,104	6	212,903	.49
Massachusetts	3	1,025,367	3	84,808	.19
Michigan	122	35,701,794	118	2,952,883	6.77
Minnesota	59	19,868,938	56	1,643,353	3.77
Mississippi	1	28,684	1	2,372	.02
Missouri	1	48,618	1	4,021	.02
Montana	52	17,532,549	47	1,450,111	3.32
Nebraska	11	2,535,549	11	209,714	.48
Nevada	12	3,934,166	11	325,395	.75
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	2	281,182	1	23,256	.02
New Mexico	23	32,823,346	19	2,714,808	6.22
New York	17	12,658,596	16	1,046,988	2.40
North Carolina	26	18,560,121	26	1,535,101	3.52
North Dakota	20	6,213,483	18	513,940	1.18
Ohio	5	2,398,849	5	198,408	.45
Oklahoma	291	98,724,955	269	8,165,506	18.71
Oregon	28	10,764,914	28	890,362	2.04
Pennsylvania	-0-	-0-	-0-	-0-	-0-
Rhode Island	3	209,411	3	17,320	.04
South Carolina	1	80,085	1	6,624	.02
South Dakota	36	15,576,925	31	1,122,945	2.57
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	4	1,531,258	4	126,650	.29
Utah	14	5,373,764	14	444,462	1.02
Vermont	1	101,030	1	8,356	.02
Virginia	4	277,661	2	22,965	.05
Washington	80	30,765,531	75	2,544,606	5.83
West Virginia	-0-	-0-	-0-	-0-	-0-
Wisconsin	43	12,218,437	41	1,010,583	2.32
Wyoming	8	2,695,350	6	222,764	.51
Totals	1,201	$527,584,572	1,120	$43,635,769	100.00

B. TITLE IV—PART A FUNDING IN FY 1979: Indian Controlled Schools (Non-LEA'S)

It is important that a distinction be made between the funds awarded to the public schools, or other local educational agencies and the Indian controlled schools known also as Non-LEA's. One significant difference is that grants to non-LEA's are awarded on a competitive basis rather than as a direct entitlement.

Table 2, on the following page, represents a State by State Distribution of Title IV, Part A funds awarded to the Indian Controlled Schools in FY 1979. In column two, it is seen that 39 proposals were submitted with a total request in the amount of $7,567,790.00. As indicated in column three, only 31 proposals were funded last year. The total amount of funds obligated was $4,363,636.00, as shown in column four. In column five, "% of total," we find that five States received 73.89% of the total, or $3,224,031.00.

State	*Funds Obligated*	*% of Total*
1. Montana	$1,034,890	23.72%
2. New Mexico	$ 849,958	19.48%
3. Washington	$ 659,055	15.10%
4. Arizona	$ 358,709	8.22%
5. Wyoming	$ 321,419	7.37%
TOTAL	$3,224,031	73.89%

The remaining forty-five States received 26.11% of the funds totaling $1,139,605.00.

C. TITLE IV—PART B FUNDING IN FY 1979

Again, it is appropriate that we describe briefly the Title IV, Part B program. Generally, it is a discretionary grant program to State and local educational agencies, Federally supported elementary and secondary schools for Indian children, and to Indian tribes, organizations, and institutions, to support planning, pilot, and demonstration projects designed to improve educational opportunities for Indian children. The grants are awarded on a competitive basis following a thorough review by several Indian review panels.

Table 3, on the following page, represents a State by State Distribution of Title IV, Part B funding for FY 1979. In column one, it is seen that 317 proposals were submitted with a total request for funds in the amount of $55,172,016.00, as identified in column two. In FY 1979, 82 proposals were funded for a total of $14,001,059.00, as identified in column four. In column six, "% of total," one finds that five States received 51.65% of the funds for a total of $7,231,968.00.

TABLE 2
STATE BY STATE DISTRIBUTION OF TITLE IV—PART A FUNDS
INDIAN CONTROLLED SCHOOLS (NON-LEA'S)
FISCAL YEAR 1979

State	*Proposals Submitted*	*Funds Requested*	*Proposals Funded*	*Funds Obligated*	*% of Total*
Alabama	-0-	-0-	-0-	-0-	-0-
Alaska	-0-	-0-	-0-	-0-	-0-
Arizona	6	$1,119,381	4	$ 358,709	8.22
Arkansas	-0-	-0-	-0-	-0-	-0-
California	-0-	-0-	-0-	-0-	-0-
Colorado	-0-	-0-	-0-	-0-	-0-
Connecticut	-0-	-0-	-0-	-0-	-0-
Delaware	-0-	-0-	-0-	-0-	-0-
District of Columbia	-0-	-0-	-0-	-0-	-0-
Florida	1	140,456	-0-	-0-	-0-
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-	-0-	-0-
Idaho	2	370,228	2	289,904	6.64
Illinois	-0-	-0-	-0-	-0-	-0-
Indiana	-0-	-0-	-0-	-0-	-0-
Iowa	-0-	-0-	-0-	-0-	-0-
Kansas	-0-	-0-	-0-	-0-	-0-
Kentucky	-0-	-0-	0-	-0-	-0-
Louisiana	-0-	-0-	-0-	-0-	-0-
Maine	-0-	-0-	-0-	-0-	-0-
Maryland	-0-	-0-	-0-	-0-	-0-
Massachusetts	-0-	-0-	-0-	-0-	-0-
Michigan	1	114,335	1	80,000	1.83
Minnesota	1	193,350	1	137,352	3.15
Mississippi	-0-	-0-	-0-	-0-	-0-
Missouri	-0-	-0-	-0-	-0-	-0-
Montana	6	1,457,473	6	1,034,890	23.72
Nebraska	-0-	-0-	-0-	-0-	-0-
Nevada	1	156,524	1	70,000	1.61
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	-0-	-0-	-0-	-0-	-0-
New Mexico	7	1,392,511	6	849,958	19.48
New York	-0-	-0-	-0-	-0-	-0-
North Carolina	-0-	-0-	-0-	-0-	-0-
North Dakota	1	218,643	1	191,181	4.38
Ohio	-0-	-0-	-0-	-0-	-0-
Oklahoma	1	107,850	-0-	-0-	-0-
Oregon	-0-	-0-	-0-	-0-	-0-
Pennsylvania	-0-	-0-	-0-	-0-	-0-
Rhode Island	-0-	-0-	-0-	-0-	-0-
South Carolina	-0-	-0-	-0-	-0-	-0-
South Dakota	5	535,383	3	253,615	5.81
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	-0-	-0-	-0-	-0-	-0-
Utah	-0-	-0-	-0-	-0-	-0-
Vermont	-0-	-0-	-0-	-0-	-0-
Virginia	-0-	-0-	-0-	-0-	-0-
Washington	4	1,241,355	3	659,055	15.10
Wisconsin	1	136,899	1	117,553	2.69
Wyoming	2	385,624	2	321,419	7.37
Total	39	$7,567,790	31	$4,363,636	100.00

TABLE 3
STATE BY STATE DISTRIBUTION OF TITLE IV-PART B FUNDS
FISCAL YEAR 1979

State	*Proposals Submitted*	*Funds Requested*	*Proposals Funded*	*Funds Obligated*	*% of Total*
Alabama	-0-	-0-	-0-	-0-	-0-
Alaska	15	$3,776,996.00	2	$ 266,057.00	1.90
Arizona	30	5,452,406.00	9	1,663,238.00	11.88
Arkansas	-0-	-0-	-0-	-0-	-0-
California	28	4,494,455.00	5	768,268.00	5.49
Colorado	4	801,747.00	2	530,914.00	3.79
Connecticut	1	67,725.00	-0-	-0-	-0-
Delaware	-0-	-0-	-0-	-0-	-0-
District of Columbia	1	149,658.00	1	149,658.00	1.07
Florida	-0-	-0-	-0-	-0-	-0-
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	1	103,768.00	-0-	-0-	-0-
Idaho	2	325,386.00	-0-	-0-	-0-
Illinois	1	36,936.00	-0-	-0-	-0-
Indiana	-0-	-0-	-0-	-0-	-0-
Iowa	1	103,850.00	-0-	-0-	-0-
Kansas	2	124,306.00	-0-	-0-	-0-
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	2	155,956.00	-0-	-0-	-0-
Maine	-0-	-0-	-0-	-0-	-0-
Maryland	-0-	-0-	-0-	-0-	-0-
Massachusetts	3	1,153,032.00	2	400,725.00	2.86
Michigan	14	1,412,667.00	2	196,545.00	1.40
Minnesota	15	3,943,267.00	6	1,138,685.00	8.13
Mississippi	3	601,615.00	-0-	-0-	-0-
Missouri	-0-	-0-	-0-	-0-	-0-
Montana	13	1,917,125.00	5	1,021,880.00	7.30
Nebraska	2	265,159.00	1	117,141.00	.84
Nevada	7	658,308.00	1	113,176.00	.81
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	-0-	-0-	-0-	-0-	-0-
New Mexico	31	5,206,380.00	8	998,849.00	7.13
New York	4	307,971.00	1	97,061.00	.69
North Carolina	7	1,187,934.00	2	296,886.00	2.12
North Dakota	9	1,429,012.00	3	602,695.00	4.30
Ohio	-0-	-0-	-0-	-0-	-0-
Oklahoma	39	7,631,124.00	9	1,510,638.00	10.79
Oregon	4	684,855.00	3	385,686.00	2.75
Pennsylvania	1	199,720.00	1	199,720.00	1.43
Rhode Island	1	104,771.00	-0-	-0-	-0-
South Carolina	-0-	-0-	-0-	-0-	-0-
South Dakota	21	2,154,177.00	2	258,755.00	1.85
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	5	839,633.00	2	425,859.00	3.03
Utah	2	151,493.00	-0-	-0-	-0-
Vermont	-0-	-0-	-0-	-0-	-0-
Virginia	-0-	-0-	-0-	-0-	-0-
Washington	31	5,619,185.00	8	1,897,529.00	13.55
Wisconsin	14	2,503,274.00	7	965,098.00	6.88
Wyoming	3	610,127.00	-0-	-0-	-0-
Totals	317	$55,172,016.00	82	$14,001,059.00	100.00

State	Funds Obligated	% of Total
1. Washington	$1,897,529	13.55%
2. Arizona	$1,663,238	11.88%
3. Oklahoma	$1,510,638	10.79%
4. Minnesota	$1,138,683	8.13%
5. Montana	$1,021,880	7.30%
TOTAL	$7,231,968	51.65%

The remaining forty-five States and the District of Columbia received 48.35% of the Part B funds for a total of $6,769,091.00.

D. TITLE IV—PART C FUNDING IN FY 1979

Part C programs consist of discretionary grants awarded on a competitive basis to State and local educational agencies, Indian tribes, organizations and institutions to provide education for Indian adults.

Table 4, on the following page, represents a State by State Distribution of Title IV, Part C funding for FY 1979. In column one, it is seen that 119 proposals were submitted, with a total request for funds in the amount of $23,101,745.00, as identified in column two. In FY 1979, 60 proposals were funded for a total of $5,930,037.00, as indicated in column four. In column five, "% of total," one finds that five States received 51.62% of the funds for a total of $3,061,427.00.

State	Funds Obligated	% of Total
1. Washington	$1,086,825	18.33%
2. Minnesota	$ 558,704	9.42%
3. California	$ 502,357	8.47%
4. Oklahoma	$ 482,773	8.14%
5. Mississippi	$ 430,768	7.26%
TOTAL	$3,061,427	51.62%

The remaining forty-five States and the District of Columbia received 48.38% of Part C funds totaling $2,868,610.00.

E. TITLE IV—INDIAN FELLOWSHIPS FUNDED IN FY 1979

The Indian Fellowship Program was authorized by the amendments of 1974 to P.L. 92-318, the Indian Education Act of 1972. The program was created by the Congress for the purpose of preparing Indians for professions in which they have been traditionally underrepresented. The six areas in which fellowships were available in FY 1979 included: (1) Business Administration (or a related field); (2) Medicine (or a related field); (3) Law (or a related field); (4) Engineering (or a related field); (5) Education (or a related field); and (6) Natural Resources (or a related field).

Table 5, on the following page, represents a State by State Distribution of all Indian Fellowships awarded in FY 1979. In column one, we note that 226 Indian students participated in the Fellowship Program last year, with a total request for funds in the amount of

TABLE 4
STATE BY STATE DISTRIBUTION OF TITLE IV-PART C FUNDS
FISCAL YEAR 1979

State	*Proposals Submitted*	*Funds Requested*	*Proposals Funded*	*Funds Obligated*	*% of Total*
Alabama	1	76,782.00	1	64,358.00	1.09
Alaska	5	875,119.00	1	159,206.00	2.68
Arizona	9	1,281,969.00	1	67,259.00	1.13
Arkansas	-0-	-0-	-0-	-0-	-0-
California	13	2,426,559.00	6	502,357.00	8.47
Colorado	2	7,436,346.00	1	69,554.00	1.17
Connecticut	-0-	-0-	-0-	-0-	-0-
Delaware	-0-	-0-	-0-	-0-	-0-
District of Columbia	1	126,670.00	1	103,670.00	1.75
Florida	1	85,105.00	-0-	-0-	-0-
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-	-0-	-0-
Idaho	1	91,645.00	-0-	-0-	-0-
Illinois	1	124,497.00	1	115,728.00	1.95
Indiana	-0-	-0-	-0-	-0-	-0-
Iowa	-0-	-0-	-0-	-0-	-0-
Kansas	-0-	-0-	-0-	-0-	-0-
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	4	276,853.00	1	76,795.00	1.30
Maine	-0-	-0-	-0-	-0-	-0-
Maryland	1	89,652.00	1	82,162.00	1.39
Massachusetts	1	146,282.00	1	145,967.00	2.46
Michigan	2	211,256.00	1	67,268.00	1.13
Minnesota	4	779,809.00	4	558,704.00	9.42
Mississippi	3	628,163.00	3	430,768.00	7.26
Missouri	1	33,896.00	-0-	-0-	-0-
Montana	5	533,021.00	3	300,962.00	5.08
Nebraska	2	133,245.00	-0-	-0-	-0-
Nevada	-0-	-0-	-0-	-0-	-0-
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	-0-	-0-	-0-	-0-	-0-
New Mexico	6	693,454.00	4	421,424.00	7.11
New York	3	548,340.00	2	190,026.00	3.20
North Carolina	4	322,730.00	2	184,550.00	3.11
North Dakota	3	161,403.00	-0-	-0-	-0-
Ohio	-0-	-0-	-0-	-0-	-0-
Oklahoma	14	2,216,394.00	6	482,773.00	8.14
Oregon	2	243,754.00	1	51,021.00	.86
Pennsylvania	-0-	-0-	-0-	-0-	-0-
Rhode Island	1	88,587.00	1	79,703.00	1.34
South Carolina	1	75,221.00	1	64,584.00	1.09
South Dakota	8	633,733.00	5	229,157.00	3.86
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	2	227,859.00	-0-	-0-	-0-
Utah	3	415,795.00	1	91,910.00	1.55
Vermont	1	35,676.00	1	37,678.00	.64
Virginia	-0-	-0-	-0-	-0-	-0-
Washington	11	1,760,991.00	9	1,086,825.00	18.33
Wisconsin	1	89,779.00	1	81,570.00	1.38
Wyoming	2	233,180.00	2	184,078.00	3.10
Totals	119	$23,101,745.00	60	$5,930,037.00	100.00

TABLE 5
STATE BY STATE DISTRIBUTION OF INDIAN FELLOWSHIPS
FISCAL YEAR 1979

State	*Fellowships Funded*	*Funds Obligated*	*% of Total*
Alabama	-0-	-0-	-0-
Alaska	-0-	-0-	-0-
Arizona	9	50,505.00	3.52
Arkansas	1	3,794.00	.26
California	23	173,954.00	12.14
Colorado	8	49,670.00	3.47
Connecticut	1	6,100.00	.43
Delaware	-0-	-0-	-0-
District of Columbia	5	35,612.00	2.48
Florida	-0-	-0-	-0-
Georgia	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-
Idaho	1	5,045.00	.35
Illinois	-0-	-0-	-0-
Indiana	-0-	-0-	-0-
Iowa	-0-	-0-	-0-
Kansas	2	9,625.00	.67
Kentucky	-0-	-0-	-0-
Louisiana	-0-	-0-	-0-
Maine	1	1,100.00	.08
Maryland	-0-	-0-	-0-
Massachusetts	10	90,807.00	6.34
Michigan	7	38,441.00	2.68
Minnesota	3	20,825.00	1.45
Mississippi	2	12,025.00	.84
Missouri	-0-	-0-	-0-
Montana	7	33,312.00	2.32
Nebraska	5	16,899.00	1.18
New Hampshire	-0-	-0-	-0-
New Jersey	-0-	-0-	-0-
New Mexico	21	119,359.00	8.33
New York	6	50,859.00	3.55
North Carolina	15	60,316.00	4.21
North Dakota	2	21,462.00	1.50
Ohio	1	7,575.00	.53
Oklahoma	55	286,185.00	19.97
Oregon	7	50,249.00	3.51
Pennsylvania	3	36,047.00	2.52
Rhode Island	-0-	-0-	-0-
South Carolina	-0-	-0-	-0-
South Dakota	4	20,847.00	1.45
Tennessee	1	12,870.00	.90
Texas	4	25,246.00	1.76
Utah	2	6,990.00	.49
Vermont	-0-	-0-	-0-
Virginia	4	27,509.00	1.92
Washington	16	121,689.00	8.49
West Virginia	2	13,307.00	.92
Wisconsin	4	24,959.00	1.74
Wyoming	-0-	-0-	-0-
Totals	226	$1,433,163.00	100.00

$1,433,163.00, as identified in column two. In column three, "% of total," one finds that five States received 55.27% of all funds for a total of $791,994.00.

State	*Funds Obligated*	*% of Total*
1. Oklahoma	$286,185	19.97%
2. California	$173,954	12.14%
3. Washington	$121,689	8.49%
4. New Mexico	$119,359	8.33%
5. Massachusetts	$ 90,807	6.34%
TOTAL	$791,994	55.27%

The remaining forty-five States and the District of Columbia received 44.73% of the funds totaling $641,189.00.

The highest percentage of funds, 28%, was awarded to sixty students for the study of business or a related field for a total expenditure of $405,339.00. The second highest percentage of funds, 26%, was awarded to forty-three students for the study of medicine or a related field for a total expenditure of $371,215.00. The third highest percentage of funds, 20%, was awarded to fifty-four law students for a total expenditure of $286,359.00. The fourth highest percentage of funds, 14%, was awarded to forty-three students for studying engineering with a total expenditure of $196,457.00. Fifth, the percentage of funds, 8%, was awarded to fifteen students for the study of education, totaling $115,846.00. And last, 4% of the funds was awarded to eleven students in natural resources or a related field for a total expenditure of $57,947.00, for a grand total expenditure of $1,433,163.00.

Area of Study	*Students*	*Funds Obligated*	*% of Total*
1. Business Administration	60	$ 405,399	28.00%
2. Medicine	43	$ 371,215	26.00%
3. Law	54	$ 286,359	20.00%
4. Engineering	43	$ 196,457	14.00%
5. Education	15	$ 115,846	8.00%
6. Natural Resources	11	$ 57,947	4.00%
TOTAL	226	$1,433,163	100.00%

The Indian Fellowship Program is proving to be a highly productive program in the development of Indian human resources.

Part III, which follows, includes a set of Program profiles and a set of Indian Fellowship profiles funded by Title IV in FY 1979.

PART III

Profiles of Programs and Fellowships Funded by Title IV Fiscal Year 1979

Many programs have been funded by Title IV, The Indian Education Act, of 1972. In order to highlight the manner in which these Federal funds have been spent, this year we have identified eight Indian Title IV programs and six Indian fellowship recipients which we have selected to profile as part of our Annual Report.

Although formal impact evaluations of the Part A program and the Part B and C programs are currently underway via two separate consultant contracts at the U.S. Department of Education, both impact evaluations are at different stages of implementation at the present time. The results will be published upon completion of each impact evaluation.

For the purpose of this Report, eight Title IV program profiles are included which exemplify Indian educational programs funded in 1979, under Part A, the entitlement program; Part A (non-LEA), the Indian Contract schools; Part B, the special programs designed to meet the needs of Indian children; and Part C, the Indian adult educational programs. Two programs representing each major Part have been featured below.

PART A—THE ENTITLEMENT PROGRAM

1. Albuquerque Public Schools
   P.O. Box 25704
   Albuquerque, New Mexico
   87124

2. Robeson County School District
   P.O. Box 1328
   Lumberton, North Carolina
   28358

PART A (non-LEA)—THE INDIAN CONTRACT SCHOOLS

3. Confederated Salish & Kootenai Tribes
   Two Eagle River School
   Star Route
   Dixon, Montana 59831

4. Shoshone-Bannock Tribe
   Tribal Business Council
   P.O. Box 306
   Fort Hall, Idaho 83203

PART B—SPECIAL PROGRAMS TO MEET THE NEEDS OF INDIAN CHILDREN

5. Heart of the Earth Survival School
   1209 Fourth Street, S.E.
   Minneapolis, Minnesota 55414

6. Tulsa Indian Youth Council
   716 South Troost
   Tulsa, Oklahoma 74120

PART C—THE INDIAN ADULT EDUCATION PROGRAMS

7. Mississippi Band of Choctaw Indians

8. Fort Belknap Community Council

Route 7, Box 21
Philadelphia, Mississippi 39350

Fort Belknap Education
Department
Fort Belknap Agency
P.O. Box 249
Harlem, Montana 59526

1. THE ALBUQUERQUE URBAN INDIAN EDUCATION PROGRAM, TITLE IV, PART A

The first program profile under Part A, entitlement programs, is the Albuquerque Public School District Urban Indian Education Program funded in fiscal year 1979, at $261,051.00.

The Albuquerque Public School District located in Albuquerque, New Mexico, has the largest student population in the State of New Mexico. Urban Indian students comprise approximately three percent, or 2,388, of the student population of 83,000, and are enrolled in nearly every school in the district. The largest Indian population is located within the economically depressed area of Albuquerque, New Mexico, where four high schools located in this area have the largest number of Indian students in the city.

The Title IV Urban Indian Education Program is the only program designed specifically to address the special educational and cultural needs of the urban Indian students at this time. The Indian community has recognized the need for this program, which stresses individualized instruction designed to meet the special needs of the Indian students.

A needs assessment survey conducted in the winter of 1979, identified counseling and tutoring as the two most important needs of Indian students in Albuquerque. Therefore, the Urban Indian Education Program will focus their attention on these two areas in the coming year.

In the counseling component, two counselors are offering career counseling, crisis counseling, and academic counseling. They are also working with social workers to minimize truancy among the Indian student population.

The counseling program has identified five goals for the next academic year. The first goal is to provide academic counseling to assist all of the Indian students in raising their academic achievement. The second goal is to encourage better attendance, while the third goal is to provide "crisis counseling" for individual Indian students, with special problems. The fourth goal is to provide career consultation to those students who have requested career planning, by providing specific information and additional referral sources.

Indian Tutorial and Counseling Program, Albuquerque Public Schools, Albuquerque, New Mexico, funded by Title IV, Part A.

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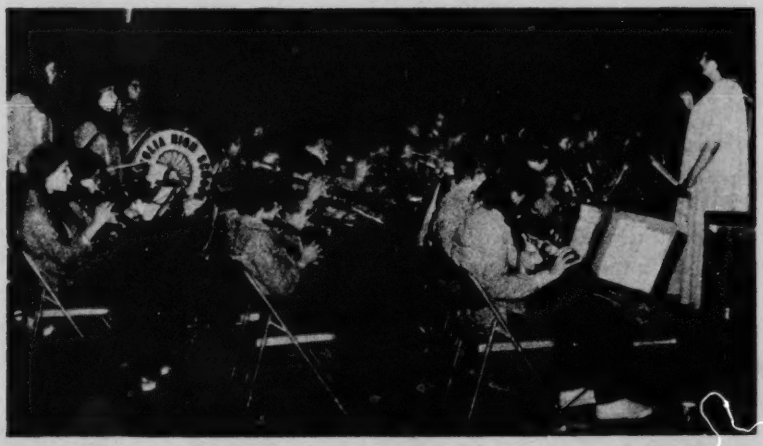
The fifth goal of the counseling component is to provide assistance to Indian students to meet their physical needs, including, food, money, and health care.

In the tutoring component, the staff has identified three goals for next year. The first goal is to assist Indian students to read at or above their grade level. The second goal is to provide qualified tutors for those Indian students achieving below average in reading, while the third goal is to provide tutoring in all subject areas, including, Language Arts, Math, and Science.

2. THE ROBESON COUNTY PART A INDIAN EDUCATION PROGRAM

The Robeson County School District located in Lumberton, North Carolina, was funded under the Title IV, Part A, entitlement program for fiscal year 1979, at $748,257.00. This program is the largest funded Title IV, Part A program east of the Mississippi River, and the second largest funded program in the Nation.

The primary goal of the Robeson County Board of Education, is to prepare Indian youth to function successfully in the larger society, while maintaining their Indian identity and culture.



The Title IV Part A Cultural Enrichment Specialist serves on a rotating basis to several schools in the Robeson County School District, Lumberton, North Carolina, providing individual and small group instruction in band to Indian students. Each Spring, all participants are brought together as the Countywide Indian Student Performing Band.

Funded By
Title IV, Part A

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Title IV, Part A funding to the school district of Robeson County is one of the few federal assistance programs available to the Indians of Robeson County who are legally defined as "non-federally recognized", "state recognized," "rural," and "non-reservation." Since 1887, separate state-supported Indian public schools were maintained until school desegregation was mandated in 1964 including an all-Indian institution of higher learning created by the N.C. State Legislature in 1885. Today, there does not exist in Robeson County either Indian schools or an Indian institution of higher education. Additionally, Indians in Robeson County or anywhere else in the state are not eligible for federal assistance scholarships and aid in the state institutions of higher learning as they were excluded from the state plan which focused on "increased minority presence."

Title IV, Part A funding to the Robeson County School District has provided a forum around which Indian parents and the Indian community can collectively strive to maintain their identity and integrity as Indian people. The program has provided an opportunity to the Indian community to maintain its historical and traditional role in the education of Indian students, but most important, the program has provided access for Indian parents into an active and participatory role in educational decision-making.

There are twenty-five public schools and eight school districts in Robeson County. In 1977, the total school enrollment was 13,495, sixty-one percent of whom were Indian students. In January, 1978, 7,979 Indian students were certified to receive Part A, project services.

The Robeson County Board of Education has attempted to address the inequities of the past: (1) Six of the nine members on the Board are now Indians; (2) An Indian school superintendent has been appointed; and (3) A Department of Indian Education was established within the State Department of Public Instruction.

The effectiveness of Part A programs, which were evaluated recently, found the following: (1) Sixty-five percent of the Indian student population participated in Title IV, Part A program; (2) A high level of cooperation has been developed with the North Carolina State Department of Public Instruction through the new Department of Indian Education; (3) Parent committee members have been encouraged to become more deeply involved in decision-making related to Indian education. One former parent committee member was appointed to the LEA Board, and another was appointed to a local school advisory council; (4) The program staff has conducted in-

service orientation and training elsewhere in Robeson County by introducing Indian studies into the social studies curriculum of an adjacent school district; (5) The Title IV, Part A program provided partial funding (e.g. one-half of the total expense) to send four Indian students to a six-week Summer Encampment Work-Experience Program on the Rosebud Sioux Reservation in South Dakota; (6) The Robeson County Indian Youth Chorus participated in National Heritage Week; and (7) The Title IV, Part A program made a special program presentation to the National Advisory Council on Indian Education in Bangor, Maine, in July 1979.

The Title IV, Part A program has fulfilled a vital role in the education of Indian students in the State of North Carolina which would have not otherwise been possible.

3. THE TWO EAGLE PART A, (non-LEA) ALTERNATE EDUCATION PROGRAM

The Two Eagle River School of the Confederated Salish and Kootenai Tribe of the Flathead Indian Reservation in Dixon, Montana, was funded under Part A, non-LEA for fiscal year 1979, at $285,458,000. This school was established to respond to an alarming high drop-out rate of Indian students attending local schools in the vicinity; six of ten school districts reported that sixty-five percent of the Indian students drop out of school before acquiring a high school diploma. This information is corroborated with the 1970 Federal Census, which indicated that only twenty-nine percent of tribal members over the age of twenty-five had graduated from high school. The seriousness of this problem, which may be more extensive than indicated above, precipitated action on behalf of the Indian community on the Flathead Indian Reservation to create the Two Eagle School. Many Indian students have selected Two Eagle River School as the only means of completing their high school education. The need to which the Two Eagle River School responds, then, is for an educational alternative for Salish and Kootenai students who have dropped out of local schools, but who would re-enter a school which is responsive to their needs.

The Two Eagle River School has been operating a comprehensive educational program for five years primarily through funding from Part A, non-LEA. It focuses on four objectives:

1. To provide a culturally relevant comprehensive educational program;

Raymond Matt running at a Track Meet held last spring between Kicking Horse Job Corps and Two Eagle River School, Dixon, Montana.

Funded by
Part A (non-LEA), an Indian
Contract School

Donna Browning posing for photographer between classes at Two Eagle River School of the Confederated Salish and Kooteni Tribes.

Both students attended the National Indian Youth Leadership Conference held in Washington, D.C.

2. To provide individualized instruction in a competency-based format with a system to engender positive reinforcement;

3. To provide remedial educational services to alleviate the efforts of educational deprivation on an individual basis in reading, math and writing skills; and,

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4. To provide activity-oriented coursework which will serve as a stimulus to regular school attendance and help build self-esteem through cultural awareness.

To meet these objectives, the Two Eagle River School provides both individually paced and small group instruction. The school uses instructional materials which are culturally relevant to the Flathead Indian culture. A cooperative lease agreement with the Dixon Public School provides shop facilities for woodworking, welding, mechanics, as well as for an exchange of audio-visual and library materials. Currently, Two Eagle River School operates its own school buses and provided work-study opportunities through cooperative agreement with the Comprehensive Education and Training Act.

4. THE SHOSHONE-BANNOCK ALTERNATE EDUCATION PROGRAM, TITLE IV, PART A (non-LEA)

The Shoshone-Bannock Alternate School Program located in Fort Hall, Idaho, was established by the Shoshone-Bannock Tribes for Indian children between thirteen and eighteen years old who had left the local school system and were not attending another educational

Students at the Shoshone-Bannock Alternate Education Program, Fort Hall, Idaho

Funded by
Title IV, Part A (non-LEA) An Indian Contract School

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institution. The program was funded in fiscal year 1979 at $96,300.00.

Twenty full and part-time staff persons provide educational instruction for eighty students. The staff is talented and deeply concerned about the students. The school has emphasized staff development through well-planned educational workshops and staff seminars, which have been geared to improving teacher communication skills and developing teaching abilities. The high retention rate of these students demonstrates both the need and the success of the Shoshone-Bannock Alternate School.

A new and especially useful program of the school is the "Career Awareness Program," which fosters open cooperation and coordination with businesses located in the area. This program has certainly contributed to a high retention level of students who might otherwise have left school permanently.

The Shoshone-Bannock Alternate School Program which was created solely to meet the special educational and cultural needs of Shoshone-Bannock children has filled an educational vacuum which in the absence of Title IV, Part A (non-LEA) funding would have been vacant.

5. THE HEART OF THE EARTH SURVIVAL SCHOOL, INDIAN EDUCATION PROGRAM, TITLE IV, PART B

The Heart of the Earth Survival School, located in Minneapolis, Minnesota, was funded via Title IV, Part B, in the amount of $404,951.00 in fiscal year 1979.

Since its establishment in 1971, the primary goal of the Heart of the Earth Survival School has been to educate Indian students who for a variety of reasons had left other educational institutions in Minneapolis. It initiated a "high interest" curriculum based on the traditional values and accomplishments of Indian Americans, in order to respond directly to the special educational and cultural needs of the Indian student population. The school has acted as an alternative to both the local educational institutions and the corrections system of the State of Minnesota, by addressing adequately Indian culture, religion, and history. Also, the school has played a unique role in the determination of parental rights through the establishment of more than fifty Indian licensed foster homes. The school enrolls seventy-three parents in an Adult Education program, and operates a summer school as well with a staff of two administrators, nine instructors, and several counselors.

Students attending the Heart of the Earth Survival School, Minneapolis, Minnesota.

Funded by
Title IV, Part B

The Heart of the Earth Survival School has been highly successful in keeping students in school and out of State correctional facilities. In 1979, one hundred and forty (140) Indian Students were enrolled, and many more are on the waiting list. Approximately two hundred Indian youth whom the courts had referred directly to the school, are successfully participating in this special program.

6. THE TULSA INDIAN YOUTH COUNCIL, INDIAN EDUCATION PROGRAM, TITLE IV, PART B

The Tulsa Indian Youth Council Indian Education Program located in Tulsa, Oklahoma, was funded in fiscal year 1979 via Title IV, Part B, at $393,332.00. Planning for the development of the Education Program began in 1970, and the Tulsa Indian Youth Council was chartered as a non-profit organization one and one-half years later. The goals of the Council are stated as follows: (1) To provide educational, cultural and charitable assistance to youth; (2) To enhance and promote general educational opportunities among members of the Youth Council; (3) To promote the common welfare of Indian youth within Tulsa, as well as those elsewhere; and, (4) To enlighten the general public toward a better understanding to the American Indian.

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Preschool students at Tulsa Indian Youth Council, Tulsa, Oklahoma.

Funded by
Title IV, Part B

The "Learning Enrichment Program" is an example of one of eight programs funded by the Title IV, Part B. This program is a tutorial program which serves both Indian students and parents who have requested services in a wide variety of subject areas. The instructional staff maintains meticulous records for each student, including: (1) Information regarding tribal affiliation; (2) Student grade level; (3) Tutoring subject area; (4) The name of the student's public school teacher; (5) The name of the person who referred the student; (6) The beginning and ending dates of the tutorial; (7) The name of the student's tutor; and (8) An evaluation of the Indian students individual educational progress.

7. THE CHOCTAW INDIAN ADULT EDUCATION PROGRAM, FUNDED BY TITLE IV, PART C

The Mississippi Band of Choctaw Indian Adult Education Program located in Philadelphia, Mississippi, was funded in fiscal year 1979 at $107,227.00 via a grant from Title IV, Part C. The primary goal of the Choctaw Indian Adult Education program is to assist the

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Choctaw Indian people in attaining Indian self-determination through education.

The program is designed to recruit adult Indian students with special educational needs. These students are under the supervision of a fifteen member staff.

During 1979, the following educational achievements were attained: (1) Thirty-nine Indian adults were awarded the General Education Diploma or High School Equivalent Certificate; (2) Twenty-eight Indian adults were awarded the Eighth Grade Certification of Completion; (3) Thirty-eight Indian adults were registered to vote; (4) One hundred and six Indian families received assistance with their Federal and State income tax preparations; (5) Two hundred and thirty-six Indian adults participated in a special Consumer Education class; (6) Twenty-nine Indian adults secured their first drivers license; (7) Thirty-six Indian adults secured a driver's learning permit; and, (8) One hundred and twenty Indian adults obtained their first library card.

The Choctaw Education Program developed and administered two surveys to evaluate its work including: (1) The "Administrative and Instruction Questionnaire", and, (2) The "Focus on Future Program

Adult Education students attending the Choctaw Indian Adult Education Program, Philadelphia, Mississippi.

Funded by
Title IV, Part C

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Development Questionnaire". The first questionnaire, found that the program had generated a sense of self-worth and greater community cohesiveness among the Indian Adult Education Program participants toward achieving high standards of health and education for their children and themselves. The second questionnaire inquired whether program additions or new programs were needed, and requested suggestions on how to implement those additions or new programs. In response to a question about the concrete contributions of this program to the lives of the adult Indian students, this survey found that the Adult Education Program offered the following: (1) An incentive to gain higher education; (2) Better paying jobs; (3) A feeling of being wanted and needed; and (4) A greater sense of self-respect and feeling of individual achievement.

This Title IV, Part C, Indian Adult Education Program has had a very positive impact upon the lives of Choctaw Indian adults.

8. THE FORT BELKNAP INDIAN ADULT EDUCATION PROGRAM, TITLE IV, PART C

The Fort Belknap Community Council Indian Adult Education Program located in Harlem, Montana, was funded in fiscal year 1979 at $121,406.00. The goals of this program include; (1) To provide basic literacy skills; and, (2) To provide training leading to the General Education Diploma to Indian adults. The Community Council employs a staff to conduct regular General Education Diploma (GED) classes under the direction of Mr. Loren Stiffarm, the Program Director. The staff also presents workshops on life coping skills and consumer education; assists the local county in a program to train adults in farming and ranching; and, provides a comprehensive follow-up and employment placement program for adults who have recently received the General Education Diploma or who are seeking employment. The Education Committee holds regular monthly meetings to check the program's progress, and to make program adjustments.

An independent evaluator conducted several surveys and personal interviews, and concluded that the progress to date has been "exemplary." The project has given General Education Diploma instruction to one hundred and ten Indian adults, and should reach its goal of presenting life coping skills workshops to at least one hundred and fifty adults on the reservation. The project offers, under the coping skills component, the following: (1) First Aid; (2) Community Health; (3) Childbirth Classes; (4) Leadership Training; (5) Men-

Amy Blackbird was one of Fort Belknap's Indian Community elders. Having earned only an eighth grade education as a young girl at the Flandreau Indian School in South Dakota; she enrolled in the Fort Belknap Education Department's General Education Degree Program. Upon graduation in July 1978, Ms. Blackbird said, "The youth of today should overcome their particular problems and stay in school to further their education. Indian counselors, Indian teachers would help solve some of the problems, but it is up to the students themselves to put forth the effort." Ms. Blackbird passed away in August, 1979. The Fort Belknap Indian Adult Education Program funded by Title IV, Part C.

tal/Physical Awareness; (6) Parent Effectiveness Training; and, (7) Consumer Economics. The Project's plan to train Indian adults in ranching and farming has also been highly successful. Although this component aimed to attract thirty participants more than one hundred adults have indicated their interest in attending. The GED follow-up and employment placement component is also doing well under a staff of trained counselors.

The results of the surveys, interviews, and a review of the program's records indicated that the Fort Belknap Adult Education Program is operating at near peak effectiveness; highly visible in the Fort Belknap community; compatible with the community; well organized; and working hard to achieve its stated goals. Those who responded to the survey and interviews felt a strong need for improved social and economic conditions at Fort Belknap, and indicated that the Adult Education Program helped make needed improvements.

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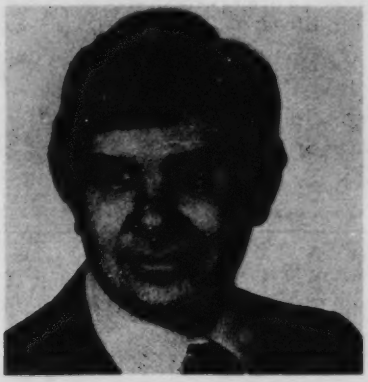
TITLE IV FELLOWS
1979

1. *Mr. Russell V. Boham*
   Little Shell-Chippewa
   Natural Resource Development
   Pennsylvania State University

2. *Ms. Marlene Lynch*
   Navajo
   Business Administration
   (MBA Program)
   Arizona State University



3. *Dr. Theodore A. Mala*
   Eskimo
   Medicine (Hospital
   Administration)
   Harvard University

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4. *Ms. Brenda Lee Brainard*
Coos & Cree-Sioux
Law
University of Oregon

5. *Mr. Neil Rousseau*
Cheyenne River Sioux
Engineering
University of New Mexico

6. *Ms. Claudette Bradley*
Schaghticoke
Education
Harvard University

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The eight Title IV program profiles identified above were included in this Annual Report in order to offer the reader a more thorough understanding with regard to the manner in which federal monies have been utilized to improve the quality of Indian Education in the United States in FY 1979.

Six Indian Fellowship recipients are profiled for the purpose of identifying how these federal funds have been used to train Indian professionals in areas where they have been traditionally underrepresented.

The Indian Fellowship Program was authorized by the Amendments of 1974 to P.L. 92-318, the Indian Education Act. The program was created for the purpose of preparing Indians for professions in which they traditionally have been underrepresented. The fellowships, which cover most educational and subsistence costs, were offered for the first time in academic year 1976. The fellows are selected competitively and while they are free to select the institution they wish to attend, their program of study must lead to a professional degree.

Since 1976, there have been approximately seven hundred and seventy-eight (778) fellowships awarded to Native Americans. Last year, the Office of Indian Education commissioned the Native American Research Associates to develop a "Tracking Study," in an effort to determine the outcome of the fellowship program and to determine the need for the increased number of Indians in the field of medicine, law, engineering, education, business and natural resources. Results will be published upon completion of the study.

Included in this report are selected profiles of fellowship grantees in each of the six academic areas funded by the Indian Fellowship Program, including the following: (1) Mr. Russell V. Boham, Little Shell-Chippewa, Natural Resource Management, Pennsylvania State University; (2) Ms. Marlene R. Lynch, Navajo, Business Administration, Arizona State University; (3) Dr. Theodore Mala, Eskimo, Medicine (i.e. Public Health Administration), Harvard University; (4) Ms. Brenda Lee Brainard, Coos and Cree Sioux, Law, University of Oregon; (5) Mr. Neil Rousseau, Cheyenne River Sioux, Engineering, University of New Mexico; and, (6) Ms. Claudette Bradley, Schaghticoke, Education, Harvard University.

1. MR. RUSSELL V. BOHAM

In 1978, Russell Boham graduated Magna Cum Laude from the College of Great Falls in Montana. In 1979, he received a Masters of

Education degree from Montana State University. In 1980, he completed the first academic year of a two year masters program in Natural Resource Management, with emphasis on Wildlife Management, at Pennsylvania State University.

All these accomplishments are a far cry from where Mr. Boham came from. Born in Denver, Colorado, and raised on the South side of Great Falls, Montana, Mr. Boham is one of six children from a broken family. His mother who attained a fourth grade education, was left with the sole responsibility of raising her children. From age twelve (12) to eighteen (18) Mr. Boham was required to live at the Twin Bridges Children's Center, two-hundred and forty (240) miles from Great Falls. At age eighteen (18), he left the Center with a sophomore high school education. Upon his return to Great Falls, he met a man from Stillwood, Minnesota, who took a liking to him. Shortly after their meeting, Mr. Boham was invited to go on a fishing trip to Minnesota to meet the rest of the family. Upon their return to Great Falls Mr. Boham was invited by the family to stay with them while he finished high school.

Looking back, Mr. Boham believes this was the beginning of a turning point in his life. He said, "The family in Minnesota gave me a great deal of support and direction. They helped me gain a positive self-image. When I was growing up in Great Falls, I was often told that I was no good because I am an Indian. There were no role models. All I saw were people who were drunk, down-trodden or in jail. Indian children who are raised in the reservation have a better opportunity for self-awareness and pride in their heritage because of the presence of Indians as role models. As I graduated from high school, I still did not feel confident enough to go to college. But once I started, I found out that I can do it. What really kept me going is the thought of my mother who was pushed around so badly. I realize that these things happened to her because she was poor and did not have any opportunity to further educate and control her own life. I do not want my life to be controlled by somebody else. And I can see education as a way out; a means to survive."

It was while studying for a Masters Degree of Education in Montana State University that Mr. Boham developed an interest in energy-related issues and its impact on Indian land. Upon completion of his program at MSU, he was accepted to six universities for a Master of Science in Natural Resource Management. He decided to go to Pennsylvania State University because of its outstanding reputation in his chosen area of study; their recruitment effort; and its geographical location: proximity to surface mines and some of the

most disturbed land due to coal mining. Mr. Boham said that initially, it was sheer culture-shock being at Penn State and in Philadelphia. There are only 16 Indians in a total student population of around 45,000. In his program for example, he is the only Native American. Mr. Boham said, "It has been a difficult but enlightening experience. People here are not used to the presence of Indians as they do in Great Falls. In Montana, if you are an Indian, you know where you stand. But out here, prejudice comes in more subtle ways and comes in the way of possible friendships. I can understand it better intellectually, but emotionally, it is quite difficult to accept."

Mr. Boham feels that his education is essential toward helping him attain his goals. Spurred by what he calls "the incessant drive to exploit our remaining natural resources," his goal is to put together eventually a program where there is unified cooperation among the seven reservations in Montana to preserve wildlife. Currently, there are few Indians, if any, in wildlife management and no provisions among the Montana tribes "to make sure wildlife have a place to go when all the mineral reserves are exhausted from the ground."

2. MS. MARLENE R. LYNCH

Marlene Lynch is a Navajo Indian from Fort Defiance, Arizona. One of seven children of Navajo parents, her mother and father are still living and work as a Dietician and a Public School Custodian, respectively. Her elementary and secondary education was received from Indian Boarding Schools. Through the Navajo Scholarship Program, she went to college a year after high school at Northern Arizona College, where she graduated with a Bachelors Degree in Business Administration. Upon graduation, she worked for the Navajo Tribe for five years until she left to start an MBA program at the University of Arizona, Tempe. In returning to school to do graduate work, Ms. Lynch chose to stay within state to cut down school cost and to remain in close proximity with her family. Her career goal is to be a Certified Public Accountant. Although she will finish her MBA program next year, she does not anticipate being certified as a Public Accountant until another three years; at which time she hopes to set up her own accounting firm. In the meanwhile, she intends to work immediately after graduation for the Navajo Tribe or for a Certified Public Accounting firm off-reservation to gain some experience. This is in accordance with the Tribal Chairman's encouragement to Navajo Indians, to work off-reservation for a year or two and gain some experience of use to the tribe.

Soft-spoken but straightforward in style, the following are some of Ms. Lynch's views on Indian boarding schools, status of women; particularly Indian women, development and education:

On Indian boarding schools

"I spent thirteen years of my life in Boarding Schools. The first two years were at a school in Fort Defiance, but the building was condemned and we were transferred to Gallup, New Mexico, where I stayed until I finished high school. You get to know other students from all over the reservation and you kind of live like brothers and sisters in the dorm. On the other hand, you only see your parents once a month or when they come for either Christmas or Thanksgiving. I remember many restrictions imposed upon us, but foremost is that we were not allowed to speak Navajo. It is a sad experience to lose your language and then try to relearn it after going to school for thirteen years. I can still speak Navajo at home, but find it difficult to do so when addressing an audience."

On women

"I remember five years ago, after graduating from college and I was looking for work at the tribe, the Personnel Director handed me a list of vacancies. As I went through the list, I realized he gave me a list of clerical jobs. I readily gave it back to him and said that I was looking for an administrative position. He gave me a long hard look, and then handed over a separate list. I was hired as an Office Manager for the Personnel Department of the Navajo Tribal Utility Authority. A short time later, I worked as Office Manager of the Navajo Tribe Higher Education Program, where I was promoted three times. I was Assistant Director when I left for graduate school. I think women should be more assertive concerning the things they want out of life, instead of being told what to do. There is a big difference now in terms of jobs women occupy in my tribe. I think it is because of the growing recognition of the capability of women to run programs. There is a woman who has been a member of our Council for the past thirty years. She set a very good example for other women who want to go into politics. At present, there are three female council members."

On development

"There are many of our elders who live in areas where mineral resources are located and are determined to fight any effort toward development. My vision of the future is attached to the future of our

children, so that they may live more comfortably than we did. For this reason, I endorse development. At the same time, I feel that the tribe is not yet fully equipped to tackle this responsibility. The tribe is unhappy, not only with the low royalty rates, but also with the reluctance on the part of some companies to deal with the adverse environmental and social impacts the tribe suffers from their operation. It is ridiculous that we can just sit back and let it happen. Any meaningful development effort should bring about a fair share of profits from our resources, an efficient taxation program (one that is now being worked on by the tribe, but does not yet exist), an investment program, and an effective conservation measure; better than what we have now, so that the land may be replenished after mining, and livestock and wildlife may be preserved."

On education

"I credit my parents for helping me go this far. They have always encouraged me. Having worked for the tribe the last five years exposed me to the pressures on the tribe for self-determination and the lack of manpower capability to do so. I decided to do graduate work for additional training in business which the tribe can use. The fellowship program under Title IV has helped me and many other Indians who cannot otherwise afford to go to school. But, I think it needs to be expanded to support more qualified students. More Indians should also be encouraged to enter fields other than education because there is a pressing need in areas such as medicine, engineering, business and natural resource management."

3. DR. THEODORE MALA (M.D.)

The very young and the very old faces of Alaska Natives look out from Theodore Mala's photographs—the children, trusting and innocent; the elders, seasoned and beautiful. The pictures, some of them prize-winning, reflect a culture which Dr. Mala fears is fast disappearing.

A former health administrator in Alaska and in Academic year 1979, a Masters of Public Health candidate at Harvard University, School of Public Health, Dr. Mala is concerned about the general lack of awareness among Americans of the people and culture of Alaska. And he has decided to remedy the situation by opening successive exhibits of his color photographs of Alaskan people and places; present the 1920's documentary, *Eskimo*, starring his father, the late Ray Mala; and give talks illustrated with slides of his homeland in various functions, whenever an opportunity occurs.

Dr. Mala, who has the distinction of being Alaska's first male Eskimo physician and the son of the first Alaskan Native filmstar, speaks passionately about the socio-economic forces impinging upon the uncomplicated pastoral lifestyles of its native people.

"The coming of the pipeline and government programs have changed drastically a culture that has been well preserved until recently," he said. "The rural villagers are seeing people coming from Washington, D.C., and telling them what they really need. A classic example is housing. The traditional homes—the log cabins and the sod houses—have been torn down, and prefabricated homes have been put up. They cost a lot to heat and they don't hold up."

A move from a subsistence to a cash economy has forced many people to go on welfare, Dr. Mala said. "The federal government has declared most of Alaska as national parkland. That is, they are saying, 'The Alaskan people don't know how to treat the land and, therefore, we're going to lock-up most of it and save it for future generations'," he said.

Many guides have lost their livelihood because hunting is no longer allowed in certain places, and mills have been shut down, also resulting in a reduction of jobs, he said.

"There's no question in my mind," Dr. Mala said, "that things that work in the continental states are being imposed on Alaska without careful thought. Consultants spend a day or two and go back and make decisions about the whole Alaskan lifestyle—hunting, housing, sewage, water systems. What may work in rural American areas does not necessarily work in the Alaskan environment."

Dr. Mala hopes that the School of Public Health at Harvard will one day develop courses on life in cold environments. "The school has a number of courses on tropical environments, but it would also be useful to offer courses about Arctic life," he said.

His color photographs of the Eskimos have consistently won top prizes in Alaska, and two of them have represented the state in Kodak's annual national contest.

Dr. Mala attended boarding schools in California, while his father was making films in Hollywood, and he attributes his ability to become a physician to that education. "The education and quality of Alaskan schools in the early fifties would have precluded a medical education for me," he said.

His motivation to become a physician stemmed from his father's early needless death in 1952. Ray Mala had had rheumatic fever in childhood which resulted in heart damage. "There was no way to get treatment in Arctic rural areas when my father was a boy," said Dr.

Mala, who intends to return to Alaska to practice public health medicine.

Dr. Mala graduated from De Paul University in 1971 and received his M.D. degree from Autonomous University in Guadalajara, Mexico in 1976. For seven years, during and after his college experience, he worked as a physician's assistant performing hemodialysis at a number of clinics and hospitals. In 1976, he worked in the Indian Health Services in New Mexico, and in 1977 he returned to Alaska to serve as a Special Assistant in Health Affairs for the Alaska Federation of Natives. Prior to going to Harvard in the fall of 1979, he had been Chief of Health Services of the Alaska State Division of Corrections. Dr. Mala graduated from Harvard in June, 1980.

4. MS. BRENDA LEE BRAINARD

Brenda Lee Brainard is a Coos and Cree-Sioux Indian from Coos Bay, Oregon. Young, vibrant, determined and successful, she is entering her last year of Law School next academic year at the University of Oregon, Eugene. While attending an Indian conference at Northbend, Oregon, as a junior high school student, she was exposed to the need for Indian lawyers and her interest in Indian law developed. Gradually, from that time forward, she designed her academic career toward the direction of law school. She graduated from Portland State University with a major in American History and a minor in Social Work. The following school year, she entered Law School at the University of Oregon.

Asked about the highlights of her life as a law student, she said, "I consider myself lucky to be accepted into a law program, but more so gratifying is the fact that I was accepted as a fellowship student under Title IV. It was a positive stroke for me. It did not only solve a great deal of financial worries, but also made me feel I had a lot of self-worth. I have not failed a course nor been placed under probation. Most of all, I had made close and binding friendships, particularly with three other Indian students who started with me. I think the fact that we were only four Indians in the whole school made the kinship stronger. It was also an added necessity to survive within a program built to be so competitive. I grew up in a community where people have very little education and where people think of each other and for others. But at law school, it was like culture shock in the beginning—both grueling and competitive. If I have to do it over again, I will take two years off after college, to either work or travel. I am one of the five youngest in my class. I used to sit there with some sort of a complex, feeling at a disadvantage, thinking that my older classmates

are more experienced, more worldly, and a lot wiser. I have now learned what to expect and how to act accordingly; that it does not affect me so traumatically anymore. When I graduate, I hope that my age will be taken as an asset, that I am a young person who knew what she wanted and pursued it."

Ms. Brainard is one of two children of an Indian father and a Norwegian mother. Her parental grandfather and grandmother are Coos Indian and Canadian Cree Indian, respectively. She said, "Growing up was unusual. There were the usual cultural conflicts." At age sixteen (16), she said that things seem to have come into its proper place. As she entered college at Portland State University and got involved with other Indian students, she said, "Everything was easier."

Ms. Brainard will graduate in May of 1981. She intends to take the bar the following July, either in Eugene or Portland. Following graduation she hopes to work for the Native American Program of Oregon, Legal Services, where she has worked as a clerk the last two summers. This work experience has also given her a chance to work for her tribe. Her "grand dream" is to work for the Native American Rights Fund (NARF), based in Denver, Colorado.

5. MR. NEIL ROUSSEAU

Mr. Neil Rousseau, a member of the Cheyenne River Sioux Tribe of Eagle Butte, South Dakota, stated that in the absence of an Indian fellowship provided by the Office of Indian Education, he would not have been able to undertake his current studies in the field of Engineering at the University of New Mexico, located in Albuquerque, New Mexico. Mr. Rousseau, who is now a senior in the Native American Program, College of Engineering (NAPCOE) at the University of New Mexico, received his Indian fellowship three years ago after he had learned of the special program to meet the higher education needs of Indians from a former Indian fellowship grantee.

Prior to this time, Mr. Rousseau who has a wife and three children, had served for a period of eighteen years with the Bureau of Indian Affairs in the southwestern United States. Since he did not finish high school, Mr. Rousseau completed the requirements for the General Education Diploma (GED), prior to embarking on his career with the Bureau of Indian Affairs. Mr. Rousseau maintained his career goal of becoming an engineer for eighteen years to the time that the opportunity of participating in the Indian Fellowship Program came to his attention. As is characteristic of many of our older Indian students who return to school, once the opportunity is provided, Mr. Rousseau

immediately applied for and received an Indian fellowship; which has supported his undergraduate studies in the field of Engineering at the University of New Mexico for the last three years. Certainly, his determination and awareness of the value of education are very commendable personal characteristics, which will help him attain his personal goal of a degree in Engineering.

Mr. Rousseau has indicated that upon graduation, he intends to use his degree to help Indian people, and to eventually become a construction engineer with the Bureau of Indian Affairs.

Mr. Rousseau stated that he felt a high obligation to inform younger Indian students of the opportunity offered by the Indian Fellowship Program, and that he had encouraged many Indian students to pursue higher education and will continue to do so in the future.

Thus, as demonstrated by Mr. Rousseau, soon to become an Indian engineer, age is not a deterent.

6. MS. CLAUDETTE BRADLEY

In 1967, Claudette Bradley was teaching mathematics in a remote area in Guam, where there were little conveniences, no public transportation and very little intellectual stimulation. In 1977, Ms. Bradley was beginning a doctoral program in education at Harvard University in Cambridge, Massachusetts.

A former math teacher in places like Guam, Hawaii, and San Francisco, and now a doctoral candidate at the Harvard University Graduate School of Education, Ms. Bradley is concerned about why people are not learning math. "Three quarters of the student population do not learn to appreciate mathematics," she said. "This is part of the reason I enrolled in a doctoral program. I wanted initially to be a curriculum developer and design math programs based on culture and the environment."

Realizing that to make changes in math curriculum one has to work through organizations, "There are certain barriers in accomplishing this task, one needs to know how to work through systems," she developed an interest in organizational development. She took courses in organizational theory, followed by an internship. It was during this time that Ms. Bradley designed and conducted a survey to assess the needs of Native Americans in the New England area. The survey which started as a small project, grew in proportions that has brought many positive results for Indian people: more Indian staff are included in cultural activities for the area; Indian youngsters in the public school systems are being given more recognition; more In-

dians are included in the Migrant Education Staff (realizing that most Indian parents are the real migrant workers—going up to Maine to pick blueberries and potatoes—instead of the former recipients of services who are not quite eligible). Additionally, the survey had an impact on the funds coming from the Title IV, "Part A" Program. Since the funds coming from this program are not sufficient to provide adequate counseling and tutorial services for Indian students who are being bussed in different sections of the Boston area, a decision to initiate clustering for Indian students in the school system was made. Now, the Indian students have a choice to attend Dorchester or South Boston. There will be up to twenty-five Indian students in either of these schools. By doing this clustering, more activities can be provided and will definitely give the Indian students more visibility.

"There are many things going on in New England at the moment and I can see things fragile for Indians." Ms. Bradley realized that there are many groups that can make use of her talents, but some of these groups are not supportive of the New England Indian issues. Therefore, she said, "For the time being, I am committed to doing what I can to help out in New England, working in the areas of education, culture and economics."

Outside of Ms. Bradley's activities as a doctoral candidate, she is also presently the President of the Boston Indian Council. The Council is an organization in Boston, which receives Federal, State and private funds, and serves four-thousand (4,000) Indians in the city, but also includes areas like Western Massachusetts, Vermont and New Hampshire. She said, "We provide services in the areas of health, education, community services (which include a food and nutrition program), CETA program and a Halfway House for men. We are also planning to expand our programs in economic development and cultural activities."

Asked about her role as President, she said, "I look at my role as overseeing the programs and the financial aspect of the Council. My role is basically broad, and usually I have to define it for myself. Although it is not a paid position, I have learned a great deal in the areas of management and administration." How do people react to her as the first female President? She said, "I get very positive reactions from people. They think we have a strong Board."

About her experiences at Harvard University, she said, "Initially, I did not know how to measure-up or what was expected of me. I applied to be admitted to either the Certificate of Advance Studies (CAS) or the doctoral program. It took me a week to get used to the

idea of being accepted to the latter. Harvard is a very stimulating environment. It used to be very exhausting to go through a day. There are many students with interesting backgrounds and experiences and you learn as much from them as from the faculty. I found out that what is expected of me is to have my own ideas and try to pursue them. I find the environment also supportive due to the presence of the American Indian Program. Everyone in the program has to go through a certain amount of adjustment, but the stress I experienced are those that I imposed on myself. I realize that everything in doctoral school is 'doable' as long as you have direction, know what you want to do, balance your finances and personal life and your emotions are even all throughout." Are her goals more defined? She said, "Being at school has opened up a lot more options for me, not only in mathematics."

PART IV

Activities of the National Advisory Council on Indian Education: Four Full Council Meetings and Two Committee Meetings

DATES AND LOCATIONS OF FOUR FULL COUNCIL MEETINGS AND TWO COMMITTEE MEETINGS CALENDAR YEAR 1979

1. Washington, D.C.	January 18-20, 1979
2. Washington, D.C.	April 19-22, 1979
*3. Reno, Nevada	June 1-2, 1979
4. Bangor, Maine	July 16-18, 1979
**5. Washington, D.C.	October 25-26, 1979
6. Denver, Colorado	November 30-December 2, 1979

*The first Committee meeting of the past year was called by Mr. Thomas A. Thompson, Chairman of the Technical Assistance, Research, and Evaluation Committee. All other meetings were full Council meetings.

**The second Committee meeting last year was called by Ms. Viola G. Peterson, Chairperson of our Council. This was a meeting of the Executive Committee relative to the location of the Office of Indian Education in the new Department of Education.

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During the calendar year 1979, the National Advisory Council on Indian Education held four full Council meetings and one meeting of the Technical Assistance, Research and Evaluation Committee. The first meeting of the calendar year was held in Washington, D.C., on January 18-20, 1979, at the national office located in the Pennsylvania Building, Suite 326, 425 13th Street, N.W., Washington, D.C., 20004. Ms. Viola G. Peterson presided as Chairperson of the Council, which was then under the management of Mr. Stuart A. Tonemah, Executive Director. On January 18, 1979, five guests were present, including: (1) Dr. Gerald Gipp, Deputy Commissioner, Office of Indian Education; (2) Dr. Howard Hjelm; (3) Dr. Harvey Thiel; and, (4) Dr. Doris Gunderson, all who manage the Bureau of Occupational and Adult Education, at the Office of Education; and, (5) Ms. Ann V. Bailey, Committee Management Officer, Office of Education.

Following the meeting of the standing committees during the morning session, Dr. Howard Hjelm reviewed the proposals which were funded by the Bureau of Occupational and Adult Education and noted that there would be approximately 1.4 million dollars available for funding up to seven new projects in the coming year. In fiscal year 1978, there were 76 applications received by the Bureau of Occupational and Adult Education, of which, 20 projects were funded. Next, Dr. Gerald Gipp reviewed the role of the National Advisory Council on Indian Education in the grants review process that Spring. The Council decided finally that five members of the National Advisory Council on Indian Education would serve as "moderators" during the grants review process, and that each Council member would oversee a panel of Indian field readers. In addition, the Executive Director was instructed to participate in an advisory capacity throughout the entire grant review process.

Mr. Stuart Tonemah stated that there had been a recent recommendation from Senator Abraham Ribicoff, Chairman of the Senate Committee on Governmental Affairs, to the Carter Administration indicating that the Bureau of Indian Affairs educational programs should not be included in the new Department of Education legislation. However, Senator Ribicoff stated that a study would be undertaken by the General Accounting Office (GAO), to analyze whether the Bureau of Indian Affairs should continue to provide educational services to Indian children or, whether the Bureau of Indian Affairs educational programs should be transferred to the Department of Education. Senator Ribicoff anticipated that final recommendations as a result of the study would be available six months after the estab-

lishment of the Department of Education. Council member Thomas A. Thompson, a Blackfeet Indian educator from Browning, Montana, stated emphatically that tribal people must be included in the decision-making process with regard to the proposed transfer of Bureau of Indian Affairs education programs from the U.S. Department of the Interior to the new Department of Education. Council member Dr. Lionel Bordeaux introduced a motion to initiate action on the development of a "White House Conference on Indian Education" involving tribes, National Indian organizations and other Indian educators regarding Indian education strategies for the development of National Indian Education Policies, including: (1) A full discussion of the proposed transfer of Bureau of Indian Affairs Indian educational programs to the new Department of Education; (2) The Bureau of Indian Affairs reorganization mandated by P.L. 95-561; and, (3) Other related topics. Although this motion was passed unanimously by the Council, later efforts on behalf of the Council in pursuit of a White House Conference on Indian Education did not materialize.

The Council invited Dr. Earl Barlow, Director of the Office of Indian Education Programs at the Bureau of Indian Affairs, U.S. Department of the Interior, to attend the next full meeting of the National Advisory Council on Indian Education and to discuss the following: (1) The Council's concern for the lack of Bureau of Indian Affairs 1% Vocational Education matching funds; (2) The Council's concern for the reauthorization of the Vocational Education Act; and, (3) The Council's concern for the efforts of several members of the U.S. Congress to include the Bureau of Indian Affairs educational programs, now located at the U.S. Department of the Interior, in the newly proposed Department of Education.

On January 19, 1979, the second day of the meeting, Mr. Stuart Tonemah presented his Executive Director's Report. The Council discussed fully the fiscal year 1979 budget request for the operation of the National Advisory Council on Indian Education, which was to be presented to the Committees on Appropriations of the U.S. Senate and the House of Representatives in the near future. The Council determined to request the amount of $200,000 in operating expenses for the Counciil during the coming fiscal year. The Council also decided to send a letter to Commissioner Ernest Boyer, U.S. Office of Education, requesting the $200,000 budget level.

One guest presenter on the second day of the meeting was Ms. Edna Paisano, the Indian staff person at the U.S. Bureau of the Census. Ms. Paisano reviewed fully the process involved in the 1980

census and answered many questions addressed by members of the Council in this regard. At 4:00 p.m. the same day, several members of the Council, including Mr. Tonemah, met with Commissioner Boyer regarding the fiscal year 1979 budget request from our Council.

On January 20, 1979, the final day of the meeting, the Council undertook a brainstorming session regarding topics for discussion at the next full Council meeting. This concluded the first meeting of the calendar year.

The second meeting of the National Advisory Council on Indian Education was also held in Washington, D.C., at the National office on April 19-20, 1979. On Thursday, April 19, 1979, at 11:00 a.m., five new Presidential appointees to the National Advisory Council on Indian Education were officially sworn-in at a ceremony held in the Roosevelt Room of the White House by Dr. John Ellis, Executive Deputy Commissioner of the Office of Education. The five Indian persons appointed by President James Earl Carter included the following: (1)Ms. Joy Hanley, Navajo of Window Rock, Arizona, Vice President for Academic and Student Affairs at the Navajo Community College in Tsaile, Arizona; (2) Ms. Ruby B. Ludwig, Cherokee, of Grove, Oklahoma, an Elementary School Teacher and Learning Disability Laboratory Instructor; (3) Mr. Wayne Newell, Passamaquoddy, of Princeton, Maine, Director of the Wabnaki Bilingual Education Program at the Indian Township School; (4) Ms. Violet E. Rau, Yakima, of Toppenish, Washington, Director of the Yakima Indian Nation Early Childhood Education Programs; and, (5) Dr. Robert Swan, Chippewa-Cree, of Havre, Montana, Education Director of the Fort Belknap Community Council and recently named Indian Educator of the Year by the National Indian Education Association. A Council photograph taken in the Roosevelt Room of the White House following the swearing-in ceremony is contained within this report.

Following the Executive Director's report presented by Dr. Michael P. Doss, replacing Mr. Stuart Tonemah, former Executive Director of the Council who retired from the Council for the purpose of continuing his graduate education in pursuit of the Doctor of Education Degree (Ed.D.), the balance of the afternoon of April 19, 1979, was spent hearing special guest presenters. Among those presenting were the following: (1) Ms. Ramona Sandoval; (2) Mr. Phillip Martin; (3) Dr. Darnell Cole; and, (4) Ms. Patricia Locke. Ms. Ramona Sandoval, American Indian Specialist, ERIC/CRESS, located at New Mexico State University, Las Cruces, New Mexico, indicated that

ERIC/CRESS is funded by the National Institute of Education and that it is comprised of a centralized network of sixteen clearinghouses that collect, screen, organize and disseminate reports. These educational documents are offered at a nominal price. In addition, Ms. Sandoval stated that ERIC/CRESS also serves as an information center throughout the country. The second presenter was Mr. Phillip Martin, President of the National Indian Management Service of America, Inc., located in Philadelphia, Mississippi. Mr. Martin's presentation consisted of reviewing a survey project which his firm was conducting for the Office of Indian Education entitled, *Overview of the Survey of Adult Education: Needs and Programs*. Third, Dr. Darnell Cole, Assistant Director of Admissions for the Michigan State University, College of Osteopathic Medicine, located in East Lansing, Michigan, presented an overview of the Michigan program, including the types of problems the University was having in identifying American Indian applicants. Fourth, Ms. Patricia Locke, who represented Mr. Ken Black, Executive Director of the National Tribal Chairmen's Association, Washington, D.C., had several questions regarding the management of projects funded by Title IV, P.L. 92-318, the Indian Education Act of 1972.

On April 20, 1979, the second day of the Council meeting, five guests were present including the following: (1) Ms. Ann V. Bailey, Committee Management Officer, Office of Education; (2) Dr. Frank Ryan, Esq., Director, American Indian Program, Harvard University, Cambridge, Massachusetts; (3) Ms. Nancy Leamond, Staff Director Education Study, the President's Reorganization Project, Office of Management and Budget, Washington, D.C.; (4) Mr. Don Boselovic, Professional Staff Member, President's Reorganization Project, Office of Management and Budget, Washington, D.C.; and, (5) Ms. Elizabeth Holmgren, Office of Indian Education Programs, Bureau of Indian Affairs, U.S. Department of the Interior.

Dr. Frank Ryan gave the first presentation that morning, which included an overview of the Harvard American Indian Program and his plan to seek corporate foundation funding for the establishment of an Indian Research Foundation and an Indian Research Chair at Harvard University.

The second presentor was Mr. Donald Boselovic, the Indian liaison staff member from the President's Reorganization Project. He discussed the efforts of the Carter Administration to establish a new Department of Education which would improve education programs since the Office of Education was lost in the present Department of Health, Education and Welfare. He also discussed the type of consul-

tation between the President's Reorganization Project and Indian Tribes and organizations concerning the placement of the Office of Indian Education Programs within the new Department. Mr. Boselivic also mentioned that all the National Advisory Councils, including the National Advisory Council on Indian Education, would be transferred intact to the new Department of Education. Mr. Boselovic explained that in a very short period of time, the President's Reorganization Project would begin its consultation with Indian tribes and organizations including those National Indian Organizations located in Washington, D.C. He stated that this consultation process would last for a period from four to six months in duration and, would include a discussion of the possible transfer of the Education Division of the Bureau of Indian Affairs to the new Department of Education, as well as other general Indian education problems. During this discussion, Ms. Nancy Leamond, who at that period of time was charged with the entire transition to the Department of Education, stated that the President's Reorganization Project was very optimistic with regard to congressional approval of the new Department of Education. Ms. Leamond stated that she understood that the Indian Health Service benefited greatly from having been transferred from the Bureau of Indian Affairs to the Public Health Service within the Department of Health, Education and Welfare; and, questioned if Indian Education would not benefit similarly if it was transferred to the new Department of Education. Council Member Ms. Pat McGee, Chairman of the Yavapai tribe of Arizona, disagreed strongly with Ms. Leamond on this issue. Ms. McGee indicated that Indian administrative control of the management of Indian Health Services had declined rapidly since the transfer had occurred.

The final presentation that morning was offered by Ms. Elizabeth Holmgren, from the Office of Indian Education Programs at the Bureau of Indian Affairs. Ms. Holmgren represented Dr. Earl Barlow, Director of the Office of Indian Education Programs, who was unable to attend the Council meeting. Ms. Holmgren reviewed P.L. 95-561, the Educational Admendments of 1978, including the B.I.A. Task Force recommendations related to this important piece of legislation.

Following lunch, the Council considered its most important issue undertaken during the entire year. Specifically, the Council approved a motion stating that the position of the National Advisory Council on Indian Education shall be one of opposing the transfer of the Bureau of Indian Affairs educational programs to the proposed Department of Education. The Council joined with the vast majority

of Indian tribes and organizations in their determination that all Office of Indian Education programs currently under the management of the Bureau of Indian Affairs must remain within the jurisdiction of that agency of the Federal Government.

The balance of this meeting on April 20, 1979, was held in closed session for the purpose of reviewing the recommended slate of programs funded under Title IV of P.L. 92-318.

The third and final day of the Council meeting was held on April 21, 1979, with Ms. Viola G. Peterson, Chairperson presiding. In addition to completing the remainder of regular business associated with the operation of the Council, the goals of the Council for the upcoming year were identified. These goals were prioritized and are stated as follows:

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Prioritized Goal Statements—FY 1980

1. The Council will increase its advocacy role in the funding of Indian Education.
2. The Council will maximize its communications with Indian people in the field via the development of an information dissemination network including press releases, newsletters and other means.
3. The Council will review the internal management system of the NACIE Office and recommend improvements and revisions where needed.
4. The Council will work toward the improvement of public relations activities designed to promote and improve the Council image nationwide.
5. The Council will monitor more closely the activities of the Office of Indian Education through the development of a "data collection system" and provide positive feedback to the Office of Indian Education which will improve the administration of programs of that office.
6. The Council will maximize its efforts to coordinate with other national organizations.
7. The Council will develop a media production of the role of the National Advisory Council on Indian Education.
8. The Council will explore the possibility of producing additional educational reports on vital Indian issues.

Finally, the Council discussed possible future meeting sites for the remainder of fiscal year 1979 and for fiscal year 1980. Thus concluded the second meeting of the National Advisory Council on Indian Education during 1979.

Following the second full meeting described above, the Chairman of the Technical Assistance, Research and Evaluation Committee,

Mr. Thomas A. Thompson, in consultation with four other members of the Committee. including Dr. Robert Swan, Ms. Violet Rau, Ms. Maxine Edmo and, Mr. Earl Oxendine, determined there was a need for a field hearing concerning the "Resource and Evaluation Centers" currently under development by the Office of Indian Education. The need for this field hearing was based on the following two considerations: (1) It was felt that the National Advisory Council on Indian Education had not received adequate information regarding the Resource and Evaluation Center; (2) Following numerous calls and letters from the Indian community, it was determined that the community itself had many questions regarding the Resource and Evaluation Centers.

The Executive Director of the National Advisory Council on Indian Education placed in the Federal Register the dates of the field hearing to be held at the Holiday Inn Downtown in Reno, Nevada, on June 1-2, 1979; and, then sent invitations to a complete mailing list of Indian tribes, organizations and individuals.

On June 1, 1979, at 9:00 a.m. Mr. Thompson, Chairperson of the Technical Assistance, Research and Evaluation Committee convened the meeting at 9:00 a.m. at the Holiday Inn Motel located in Reno, Nevada. At least thirty members of the American Indian community representing numerous Indian tribes and Indian organizations attended the first day of the meeting, while the second day was attended by over forty members of the American Indian community. The high number of Indian people attending the meeting from all regions of the United States, including Alaska and North Carolina implied that there was a great deal of concern regarding the establishment of the new Indian Resource and Evaluation Centers. In retrospect, this committee meeting was the most productive and best attended special meeting of the entire year.

There were approximately forty-three concerns brought forward by members of the Indian community attending the Reno hearing, related directly to the proposed Indian Resource and Evaluation Centers. These concerns can be divided into two main categories. The first category may be identified as concerns regarding proposed Resource and Evaluation Centers. The second category may be classified as concerns regarding the best means of delivering technical assistance to Title IV grantees. It is important to discuss both of these concerns in order to derive the greatest value from the information collected at the Reno hearing.

It was evident during the discussion that the Office of Indian Education had not consulted fully with the Indian community with

regard to the establishment of the Resource and Evaluation Centers. Specifically, it was suggested that the Office of Indian Education had not consulted with current grantees regarding their thoughts about the best way to deliver technical assistance, nor had it discussed this topic with the two major technical assistance organizations which were currently delivering technical assistance to Title IV programs throughout the United States. The Office of Indian Education had not sponsored hearings prior to the one held in Reno, Nevada, and there had been no provision for the publishing of the rules and regulations which would have allowed for a period of time during which Indian input or comment upon the rules and regulations could be made. There was a concern whether the Office of Indian Education had done enough research with regard to the identification of needs of the Indian population to be served and the delivery options for the provision of technical assistance to Title IV grantees. Many felt that there was a lack of creative thinking regarding new or possibly better ways to deliver technical assistance than by the standard method of using regional centers.

In addition, there were many concerns regarding the design of the proposed Indian Resource and Evaluation Centers. One of the concerns was the location of boundaries which would encompass the service area. Another concern was whether Indian preference would be guaranteed in the provision of technical assistance. Some presentors wondered what the functions of the Resource and Evaluation Centers would be, and whether they would include only technical assistance or other services. There was a concern if there would be a national communication network established among the new centers. The participants at this meeting felt that a working definition of "technical assistance" had to be established by the Office of Indian Education prior to discussing the center concept at length. Some felt that an individualized needs assessment of each region served by the Indian Resource and Evaluation Centers must be undertaken prior to the time that technical assistance was to be delivered. There was also a concern if there would be travel restrictions with regard to the provision of technical assistance services and, if there was going to be sufficient planning for coordinating scarce resources allocated to the new centers. Furthermore, some felt that model programs had not been researched adequately, and it was suggested that the "Teacher Corps Technical Assistance Design" might be utilized as the model for development of the new centers. It was the concensus of the group that financial resources for these centers should not be taken away from those resources currently utilized for the funding of the Title IV

programs now in effect. Also, it was thought that the centers should have an established grievance policy and that the role of the Office of Indian Education central staff, the role of the National Advisory Council on Indian Education and the role of the Regional Centers needed to be clarified. It was the overwhelming concensus of all members of the Indian community that attended this meeting that the Indian Resource and Evaluation Centers should not be granted to either State governments or Universities and, the roles of the local educational agencies and the States needed to be defined further. It was felt that the centers needed to capitalize on local individuals and programs in the delivery of services and that it should be the option of those served to request services from other centers which happen to have more expertise in an area of need. Furthermore, it was pointed out that some local educational agencies do not need technical assistance every day, and some do not need technical assistance at all. Some presenters felt that the centers should have adequate funds to retain expert consultants when needed, and one presenter felt that the centers should definitely become involved in various types of research and data collection related to the needs of the local educational agencies. All agreed that the governing board of each center must be comprised of Indians.

Ten major recommendations regarding the newly proposed Indian Resource and Evaluation Centers resulted directly from this meeting, including the following: (1) The Office of Indian Education develop a plan for insuring the Indian community would be involved directly in the design of the Indian Resource and Evaluation Centers. This would help insure that the Indian community would have some ownership in the design of the centers and that the centers would meet the needs of the Indian community; (2) The Office of Indian Education explore the possibility of developing rules and regulations for the Indian Resource and Evaluation Centers concept; (3) The Office of Indian Education explore alternatives for immediate delivery of technical assistance to local educational agencies, possibly including the continuation or extension of current technical assistance offered by existing centers until a time that the new Resource and Evaluation Centers are established; (4) The Office of Indian Education explore options available for the designation of boundaries which would define the service area of each center; (5) The Office of Indian Education develop a working definition of "technical assistance"; (6) The Office of Indian Education define the specific functions of each center in order to avoid any duplication of effort among the centers themselves; (7) The Office of Indian Educa-

tion define its role in the delivery of technical assistance; (8) The Office of Indian Education explore the possibility of other means of delivering technical assistance services, such as the model developed by Teacher Corps or others; (9) The Office of Indian Education define the role of local educational agencies in the Indian Evaluation Centers concept; and, (10) The Office of Indian Education increase its level of communication to the field throughout the development of the Indian Resource and Evaluation Centers.

The findings and recommendations of the Technical Assistance, Research and Evaluation Committee regarding the proposed "Indian Resource and Evaluation Centers" were presented immediately to Dr. Gerald Gipp, Deputy Commissioner of the Office of Indian Education; The Honorable Dale Kildee, Committee on Education and Labor, U.S. House of Representatives; and, all the participants who attended the Reno meeting.

In addition to the regular activities at the Reno meeting described above, the Technical Assistance, Research and Evaluation Committee was invited to attend a meeting of the Pyramid Lake Paiute Tribal Council, located a short distance from Reno, Nevada. Dr. Michael P. Doss, Executive Director, and Ms. Maxine Edmo, Council member, joined Mr. Joe Dupris, Executive Director of the Coalition of Indian Controlled School Boards, in attending a site visit to Pyramid Lake, Nevada. The purpose of the site visit was to meet the Paiute Tribal Council and members of the Paiute Board of Education who had been working recently to establish a new contract Indian High School on the reservation. This site visit was one of the highlights of the trip to Nevada and, the participants appreciated deeply an opportunity to meet with officials and members of the Paiute Tribe on this occasion.

The third full meeting of the National Advisory Council on Indian Education was held July 16-18, 1979, at the Holiday Inn in Bangor, Maine. Guests present the first day included the following: (1) Mr. Barry W. Stevens, Office of the General Counsel, Department of Health, Education and Welfare, Washington, D.C.; (2) Mr. Paul Riddle, Attorney, Office of the General Counsel, Department of Health, Education and Welfare, Washington, D.C.; (3) Dr. Gerald Gipp, Deputy Commissioner, Office of Indian Education, Washington, D.C.; (4) Dr. John Tippeconnic, Associate Deputy Commissioner, Office of Indian Education, Washington, D.C.; (5) Mr. Jacob Maimone, Grants-Contracts Officer, Department of Health, Education and Welfare, Washington, D.C.; (6) Mr. Edward Dicenso, Calais, Maine; (7) Mr. Edwin Netrell, Lieutenant Governor,

Penobscot Indian Tribe, Old Town, Maine; (8) Ms. Mary S. Brown, Program Director, Narragansett Indian Tribe, Rhode Island; (9) Ms. Isabel Beisen, Clerk-Researcher, Native American Rights Fund; (10) Mr. Theordore N. Mitchell, Indian Counselor, University of Maine, Orono, Maine; and, (11) Dr. Frank A. Ryan, Director, American Indian Program, Harvard University, Graduate School of Education, Cambridge, Massachusetts.

The Council meeting convened promptly at 9:00 a.m. with Ms. Viola G. Peterson, Chairperson presiding. As the first order of business, Ms. Peterson conducted an official swearing-in ceremony to admit Mr. John C. Rouillard, a recent Presidential appointee, to full membership on the National Advisory Council on Indian Education. Mr. Rouillard is a member of the Santee Sioux Tribe of South Dakota, and is presently the Chairman of the Department of American Indian Studies at San Diego State University, San Diego, California. Next, Dr. Michael P. Doss presented his Executive Director's Report. Dr. Doss reported that Congressman Dale Kildee, a member of the U.S. House of Representatives from the State of Michigan, had successfully introduced an amendment to H.R. 2444, thereby deleting the "B.I.A. Transfer Provision" which would have transferred the Office of Indian Education Programs from the Bureau of Indian Affairs to the new Cabinet Department of Education. He stated further that this is a major victory on behalf of all the National Indian Organizations and expressed his praise to Congressman Dale Kildee, Congressman Thomas S. Foley, Congresswoman Shirley Chisholm and Mr. Alan Lovesee, Counsel to the Committee on Education and Labor of the United States House of Representatives, who worked tirelessly together to prevent the transfer from occurring. It was also reported that on July 11, 1979, the U.S. House of Representatives had passed H.R. 2444 by a four vote margin and that the Joint Congressional Committee of both the U.S. House of Representatives and the U.S. Senate would be appointed in the near future to iron out their differences with regard to the new Cabinet Department of Education Bill.

At this time, Dr. Doss presented a "working paper" prepared for the National Advisory Council on Indian Education by Dr. Kurt Blue Dog, Attorney, Native American Rights Fund located in Boulder, Colorado. Dr. Blue Dog's paper was entitled, *A Legal Position Paper On Indian Education* (SEE: Appendix F). It was indicated that this paper would serve as a primary resource document for the Legislative, Rules and Regulations Committee in further preparation of their development of a National Advisory Council on Indian Educa-

tion "position paper" designed to assist the new Secretary of Education once it had been approved by the Congress. Dr. Doss stressed the importance of the placement of the Office of Indian Education within the new Department of Education as being the key issue for Council concern during the months which followed.

The Executive Director then stated that the Technical Assistance, Research and Evaluation Committee of the National Advisory Council on Indian Education had held a field hearing in Reno, Nevada, on June 1-2, 1979, for the express purpose of providing a forum where many Indian organizations and individuals presented testimony before the Committee relative to the proposed creation of the Indian Resource and Evaluation Centers now under development by the Office of Indian Education. It was indicated that a letter was being prepared and addressed to Dr. Gerald Gipp, Deputy Commissioner of the Office of Indian Education, about the concerns and recommendations of the Technical Assistance, Research and Evaluation Committee and the membership of the Indian community regarding the centers. In addition, it was reported that the Annual Report Task Force of the National Advisory Council on Indian Education had met in Albuquerque, New Mexico, on May 18-20, 1979, to prepare an outline for our *Sixth Annual Report to the Congress of the United States*. Also, on June 15, 1979, it was reported that Ms. Viola G. Peterson, Chairperson of the Council and the Executive Director had presented Congressional testimony before Congressman Dale Kildee, Committee on Education and Labor of the U.S. House of Representatives relative to P.L. 95-561. The Council was informed that another set of hearings before the Committee on Education and Labor was scheduled for July 26, 1979, approximately one week from the date and that the National Advisory Council on Indian Education and the Office of Indian Education had been requested to make presentations.

Following the Executive Director's Report, the Council launched into an extensive discussion with Dr. Gerald Gipp, members of his immediate staff and officials of the Offices of Education identified earlier. The discussion lasted the balance of the afternoon and, an evening session, which began at 7:00 p.m., lasted until 9:00 p.m. that night. The topics which were discussed included the following: (1) The Indian Resource and Evaluation Centers; (2) The composition of the revised Student Eligibility Forms, Form 506, currently being revised by the Office of Indian Education; and, (3) A discussion of the fiscal year budgets for FY 1980 and FY 1981. The Council recessed after completing nearly ten hours of work the first day.

The second day of the Maine Council meeting was held on July 17, 1979, at the Holiday Inn located in Bangor, Maine, with Ms. Viola G. Peterson, Chairperson, presiding. The meeting convened promptly at 9:00 a.m. with discussions regarding the creation of the new Indian Resource and Evaluation Centers proposed by the Office of Indian Education. By Council action, Ms. Maxine Edmo, Council Member, and Mr. Thomas Thompson, Council Member, were appointed by the Council to serve on the Request for Proposal (RFP) team. This team was established to develop the language constituting the Request for Proposals for the Indian Resource and Evaluation Centers.

The Council was very concerned with the placement of the Office of Indian Education in the newly proposed Department of Education. Therefore, the Council passed a motion inviting representatives of all the National Indian organizations to mutually plan, draft and disseminate a "National Indian Position Paper" that would address the concerns and recommendations of American Indians and Alaskan Natives relative to the location of the Office of Indian Education in the new Department. The "National Indian Position Paper" was to be developed at the upcoming "Convocation on Indian Education" which would be held in Denver, Colorado, in the near future. Unfortunately, due to the shortage of time, the issue of placement of the Office of Indian Education in the new Department was not included on the agenda of the "State of the Art Convocation on American Indian Education" held in Denver, Colorado, on August 13-14, 1979.

The Council reviewed and approved several recommended changes in the content and format of the Form 506, which were transmitted directly to Dr. Gerald Gipp, Deputy Commissioner, Office of Indian Education, by courier following the Council meeting.

The Council then discussed the "Indian Definition Study" mandated by P.L. 95-561, Section 1147 (see: Appendix B). Specifically, the Council approved a motion requesting that Dr. Peter Relic, Deputy Assistant Secretary, Office of Education, inform the National Advisory Council on Indian Education on a regular basis concerning the progress of the "Indian Definition Study" and urge the Assistant Secretary to hold public hearings throughout Indian country to insure Indian consultation with regard to this important Congressionally mandated study.

Prior to lunch, the Council approved a motion requesting that the Office of Indian Education conduct a follow-up study on the 51 Part A projects that were not funded and to provide this information to the Council by October 1, 1979. Also, it was requested that the Office

of Indian Education conduct a study of the fiscal year 1978 deficiency notices to determine the majority of deficiencies and provide this information by the same date. Finally, it was requested that the Council be informed regarding the revision of the Part A application forms and Part A regulation which were currently being developed.

Following lunch, the Council made an on-site visit to the Penobscot Indian Reservation on Indian Island, Maine. At this time, the Council met with Mr. Welfred R. Pehrson, the Tribal Governor, and toured the Penobscot Indian Schools and new Tribal offices. This concluded the Council's activities on the second day of the Council meeting.

The third day of the Maine Council meeting was held on July 18, 1979, and the meeting convened promptly at 9:00 a.m. with Ms. Viola G. Peterson, Chairperson, presiding. The first item on the morning agenda was the review and approval of the FY 1980 budget of the National Advisory Council on Indian Education. Several Council members again expressed their dissatisfaction with the current operating budget at the level of $175,000 and indicated that we must continue to request a substantial increase in our Council budget for FY 1980.

The Executive Director then reported that in a recent meeting with Mr. Jack Jennings, Counsel, Subcommittee on Elementary, Secondary and Vocational Education of the U.S. House of Representatives, that Mr. Jennings had stated that the Congress had become more and more dissatisfied with the performance of the National Advisory Councils as a whole. In the recent past, the National Advisory Council on Indian Education had been one of the very few National Advisory Councils, whose members are appointed by the President of the United States, that had been recommended for continuance. Mr. Jennings suggested in his conversation with Dr. Doss that the Advisory Councils should limit themselves to one primary project a year and that this project should be reported to the Committee on Education and Labor of the U.S. House of Representatives.

Next, Ms. Joy Hanley, a Council Member, presented a very important resolution in support of increased funding of P.L. 81-815 designed to "Provide Financial Assistance For School Construction in Federally-affected Areas". Ms. Hanley stated that Mr. Leigh Hubbard, Sr., Chairman of the Navajo Town Council and City Manager, Navajo, New Mexico, brought to our attention the fact that the Congress of the United States currently appropriates approximately $15 million annually to meet public school construction needs on Indian lands for the benefit of Indian children, while there are applications

on file with the Federal Government for more than $350 million to build quality public schools on Indian lands. The Council passed a motion unanimously recommending increased funding for the construction of public schools for Indian children on Indian lands so that in a five to seven year period all Indian children would have appropriate school buildings necessary to insure a quality education. This important motion constituted one of the final recommendations to the Congress of the United States contained in Part I of this report.

After welcoming the many guests which were present at this third and final day of the Council meeting, which is reserved primarily for hearing public concerns brought forward by members of the Indian community, Ms. Peterson requested that Dr. Frank A. Ryan, Director of the American Indian Program, Harvard Graduate School of Education, Harvard University, Cambridge, Massachusetts, give his special presentation entitled, *Blood Quantum and Indian Education*. Dr. Ryan had been retained as an expert consultant by the National Advisory Council on Indian Education for the purpose of identifying the primary issue in Indian civil rights in 1979. Dr. Ryan, a Harvard law graduate and a member of the Gros Ventre Tribe of the State of Montana, Identified the following issue: "The use of race as a means of classification for eligibility for federal services to federally recognized Indians constitutes the violation of the Federal Constitution." Dr. Ryan's presentation described in detail his reasons for the identification of this issue as the number one Indian civil rights issue in 1979.

The next presentation was delivered by Ms. Ruth Dial Woods, Title IV Part A Director, Robeson County, North Carolina. Ms. Woods gave an excellent slide presentation describing her Indian education program in North Carolina, which was selected by the Office of Indian Education as one of the exemplary programs included in Part III of this report.

Following lunch, the Technical Assistance, Research and Evaluation Committee of the National Advisory Council on Indian Education discussed the recommendations regarding Council involvement in the development of the Indian Resource and Evaluation Centers. At this time, the Council sanctioned the plans submitted by the Office of Indian Education for the development of the proposed Indian Resource and Evaluation Centers. In addition, the Council approved the plan proposed by the Office of Indian Education to hold nine regional hearings throughout the United States for the purpose of gathering direct input from the Indian community relative to the proposed centers. The National Advisory Council on Indian Educa-

tion assigned two members of our Council to attend each hearing. Also, it was stated that the draft report of the Reno Technical Assistance Committee meeting should be transmitted immediately to Dr. Gipp, Deputy Commissioner, Office of Indian Education, Office of Education. After considering some additional regular Council business, the Council heard a presentation by Ms. Mary Brown, Title IV, Program Director, from the State of Rhode Island and a presentation by Ms. Claudette Bradley, doctoral candidate at the American Indian Program, Harvard Graduate School of Education, Harvard University, Cambridge, Massachusetts, who represented the Boston Indian Council located in Boston, Massachusetts. The final presentation of the day was delivered by Mr. Ross Dixon, President of the Inupiat University of the Arctic, Barrow, Alaska. Mr. Dixon identified many of the educational needs of Eskimo and other Alaskan Native Students and the vital role currently being provided by Inupiat University. Then he offered an overview of serious problems facing members of the Alaskan Native community, including those which have been a result of rapid social and economic change associated with the development of oil resources on the Northern slope of Alaska. Mr. Dixon stressed the critical importance of the whale to the culture and subsistence of the Eskimo people. The Council adjourned at 5:00 p.m.

The second committee meeting held in calendar year 1979, was a special Executive Committee meeting of the National Advisory Council on Indian Education held on October 25-26, 1979, at our national office in Washington, D.C. The Executive Committee consisted of the following persons: (1) Ms. Viola G. Peterson, Chairperson; (2) Mr. Earl Oxendine, First Vice Chairperson; (3) Dr. Robert Swan, Second Vice Chairperson; (4) Ms. Patricia McGee, Member at Large; and, (5) Mr. Thomas Thompson, Member at Large. The meeting convened promptly at 9:00 a.m. on October 25, 1979, with Ms. Viola Peterson presiding. The primary purpose for this special Executive Committee meeting was related directly to the placement and role of the Office of Indian Education within the new Department of Education. Our Council, along with the other National Indian Organizations, had followed closely both Senate Bill 210 and House Resolution 2444, both which proposed the creation of a new Department of Education. Although time does not allow for a full discussion of the legislative history of each of these two important bills, it is significant to note that the "Joint Conference Committee of the United States Senate and the United States House of Representatives afforded the new Secretary of Education broad reorganization

authority via Section 413(b)(1) entitled, Reorganization of P.L. 96-88, the Department of Education Organization Act of October 17, 1979 (SEE: Appendix E). Section 413(b)(1) afforded the new Secretary of Education the authority to consolidate, alter or discontinue fourteen statutory entities, including the Office of Indian Education. Due to the fact that the National Advisory Council on Indian Education via its Congressional mandate in P.L. 92-318, Section 442(b)(1) was to advise the former Commissioner of Education with respect to the administration of any program in which Indian children or adults participate from which they can benefit, and assuming that the Council would now advise the Secretary of Education in a similar fashion, the Council undertook immediate action to offer our best advice to the new Secretary of Education regarding the placement and role of the Office of Indian Education in the new Department of Education. The Council had invited several guests, both from the President's Reorganization Project within the Office of Management and Budget which was directly charged with the responsibility for organizing the new Department of Education, and the Staff Counsel to the Committee on Education and Labor of the U.S. House of Representatives. These officials included the following: (1) Ms. Nancy Leamond, Member, President's Reorganization Project, Office of Management and Budget; (2) Mr. Don Boselovic, Professional Staff Member and Indian Liaison to the President's Reorganization Project, Office of Management and Budget; (3) Mr. Alan Lovesee, Counsel, Committee on Education and Labor, U.S. House of Representatives; (4) Mr. Jeff McFarland, Staff Assistant, Committee on Education and Labor, U.S. House of Representatives; and, (5) Dr. John Tippeconnic, Associate Deputy Commissioner, Office of Indian Education, Office of Education.

In the discussion which followed, Ms. Leamond indicated that Mr. Harrison Wellford, the Executive Associate Director for Reorganization and Management at the Office of Management and Budget, was in charge of the entire reorganization of the new Department of Education and that he had emphasized that an honest and real consultation process between the Administration and Indian people would be forthcoming. Ms. Leamond also stated that the options regarding the placement of the Office of Indian Education and its role in the new Department of Education were "absolutely open" at this time. She noted that the Secretary of Education would be appointed within the next week to ten days, and indicated that a general meeting with members of the Indian community was to occur at this Office of Management and Budget in the near future. Under direct

questioning by Mr. Thomas Thompson, neither Ms. Leamond nor Mr. Boselovic could answer the question of where the Office of Indian Education would be located in the new Department of Education if the decision was made today. They stated further that more consultation with members of Indian organizations and individuals was needed before such a decision would be made. Then, Ms. Leamond encouraged the National Advisory Council on Indian Education to write directly to the Director of the Office of Management and Budget, the Honorable James T. McIntyre, and the new Secretary of Education regarding our best advice and concerns with regard to the placement and role of the Office of Indian Education in the new Department. It was stated, however, that the programs currently located within the Office of Indian Education would not be split up and that the Office of Management and Budget was committed to keeping the Office of Indian Education intact in the new Department of Education.

At this point in time, Dr. Robert Swan, a member of the Executive Committee, read several recommendations which were approved that morning and which represented our advice to the Secretary of Education in the new Department. Our preliminary recommendations included the following:

MOTION #1 – I MOVE that the NACIE Executive Committee approve the changing of the NACIE 1978, calendar report from past language to current language regarding the Department of Education and that the reason for the change of past language to current language be stated in the report.

MOTION #2 – I MOVE that the NACIE Executive Committee recommend to the President of the United States, the U.S. Congress and the Secretary of Education that the Office of Indian Education and the NACIE not be consolidated, altered or discontinued (Reference Section 413(b)(1) in the U.S. Senate Report, September 21, 1979) without prior consultation with the NACIE.

MOTION #3 – I MOVE that the NACIE Executive Committee recommend to the Congress of the United States and the Secretary of Education that the organizational structure of the Office of Indian Education remain a distinct and a separate organizational entity within the Department of Education and that its Administrator report directly to the Secretary of Education.

MOTION #4 – I MOVE we get a clarification on Indian Preference as stated in Section 401(e) in the Conference Report in the Department of Education Organization Act dated September 21, 1979, from the Solicitor regarding employment, contracting, grants, subcontracts and relationship to 7(b) of P.L. 93-638. The NACIE would like a legal opinion by November 29, 1979, in regard to Indian Preference.

MOTION #5—I MOVE that the Executive Committee of the NACIE recommend to the Secretary of Education that note of the statutory entities listed in the Conference Report on S. 210, Department of Education, Section 413(b), not be consolidated, altered or discontinued without prior consultation with the National Advisory Council on Indian Education.

MOTION #6—I MOVE that the Executive Committee of NACIE recommend strongly to the President of the United States, the Congress, the President's Reorganization Project and other appropriate parties that a "First American" (American Indian/Alaskan Native) be appointed as the first Secretary of the Department of Education.

MOTION #7—I MOVE that the NACIE Executive Committee recommend to the Congress of the United States, the President and the Secretary of Education that the NACIE remain intact and continue to advise the Congress, the President and the Secretary of Education as mandated by P.L. 92-318, Part D, Section 442.

MOTION #8—I MOVE that the NACIE Executive Committee recommend to the Congress of the United States, President of the United States and the Secretary of Education that all Educational programs contained in P.L. 92-318, Title IV and amendments to said Act be transferred intact to the Department of Education, and that they remain separate and distinct programs designed to meet the special educational and cultural needs of Indian people throughout the United States.

The preliminary recommendations identified above were presented personally to Mr. Harrison Wellford, the Executive Associate Director for Reorganization and Management at the Office of Management and Budget, by the Executive Director of the National Advisory Council on Indian Education at a subsequent public hearing in Washington, D.C., attended by many members of the Indian community, including representatives from the National Indian Organizations. Although Mr. Wellford was invited to attend our Denver Council meeting scheduled for November 30-December 2, 1979, in Denver, Colorado, at which time the preliminary recommendations would be considered finally by our council, he was unable to attend.

For the record, this first meeting of the Indian people with the Department of Education Transition Team, including Mr. Harrison Wellford, Ms. Nancy Leamond and Mr. Don Boselovic, occurred on October 20, 1979, only five days after our special Executive Committee meeting.

Following the discussion related to the Department of Education, the Council met with Mr. Alan Lovesee and Mr. Jeff McFarland, both from the Committee on Education and Labor of the U.S. House

of Representatives. At this time, the new Indian Eligibility Form, Form 506, was discussed at length.

Later, the Council met with Dr. Abdul Khan, Director of the "Indian Definition Study," mandated by P.L. 95-561. Dr. Khan gave an overview regarding the scope and progress of the study under his direction. Thus conclude the activities considered by the Executive Committee of the National Advisory Council on Indian Education at the October meeting.

The fourth full meeting of the National Advisory Council on Indian Education was held in Denver, Colorado, at the Executive Tower Inn, from November 30 through December 2, 1979. This meeting was intentionally scheduled to precede immediately the "1979 Annual Conference of the National Indian Education Association" in Denver, Colorado. The Council meeting convened at 9:20 a.m. with Ms. Viola G. Peterson, Chairperson, presiding. The Denver Council meeting proved to be one of the busiest meetings of the entire year, both from the standpoint of the amount of work accomplished by the Council, and with regard to the number of presentations by members of the Indian community.

The first order of business considered by the Council included a review of the "Preliminary Recommendations" of the Executive Committee of the National Advisory Council on Indian Education held in October 25-26, 1979, in Washington, D.C. The primary purpose of that special Executive Committee meeting, as stated earlier, was to draft a set of "Preliminary Recommendations" to the President of the United States via the new Secretary of Education, and the Congress of the United States, regarding the placement and role of the Office of Indian Education and the National Advisory Council on Indian Education within the new Department of Education. Since the Council desired to bring these extremely important "Final Recommendations" to the direct attention of the Congress of the United States and the new Secretary of Education, four of the six recommendations approved at this Council meeting were included in the *Sixth Annual Report to the Congress of the United States* from the National Advisory Council on Indian Education entitled, *Indian Education is Sui Generis: Of Its Own Kind*. However, since these recommendations, regarding the new Department of Education were approved finally at the Denver Council meeting, they comprise the first six final recommendations presented this year to the Congress of the United States and the Secretary of Education in Part I of this report entitled, *Final Recommendations to the Congress of the United States and the Secretary of Education*.

Next, Dr. Gerald Gipp, Deputy Commissioner of the Office of Indian Education, stated his perception of the role of the Office of Indian Education. Dr. Gipp pointed out that there was approximately $250,000,000 that benefited Indian people within the Department of Education, including programs such as Vocational Education, Title I, Bilingual Education and others. Dr. Gipp expressed his belief that the Office of Indian Education could be playing a strong role in identifying these resources for potential Indian grantees. He stated further that his office could assist in the management of these programs in order that American Indian and Alaskan Natives may benefit from them to a higher degree in the future but, that his office would need additional resources in order to study each program individually to see what kind of interaction could take place between the Office of Indian Education and each of the many other programs which benefit Indians in the new Department. Dr. Gipp then provided a description of action taken by his office regarding the Indian Eligibility Form 506. In order to provide Title IV grantees with a few explanations of the information requested by the "Form 506", a "letter of clarification" describing its contents fully had been developed. Then, he provided an overview of the FY 1980 budget for the Office of Indian Education and discussed briefly the five Indian Resource and Evaluation Centers which were currently under development by his office.

At this time, the Council considered S. 916, the Native Hawaiian Education Act, which had been reported in the United States Senate on November 1, 1979. The Council approved unanimously a motion to adopt the concept of the need addressed by S. 916, the Native Hawaiian Education Act, but opposed S. 916 in its current form since the legislative language of the Act would amend Section 441 of P.L. 92-318, the Indian Education Act, and might affect the special relationship between Congress of the United States and American Indian tribes established by treaties. The Council is opposed to the House version of this Bill, H.R. 93, which contains similar language.

At this point in the meeting, the Council elected new Officers for the upcoming fiscal year, including the following: (1) Dr. Robert J. Swan, Chairperson; (2) Mr. John Rouillard, First Vice Chairperson; (3) Ms. Maxine Edmo, Second Vice Chairperson; (4) Mr. Wayne Newell, Member at Large; and, (5) Mr. Thomas Thompson, Member at Large. The Council also entered a motion to change both the Government Programs Study Task Force and the Annual Report Task Force to full Committee status.

Before recessing for the day, Mr. Earl Oxendine was appointed to represent the National Advisory Council on Indian Education at an upcoming reception in Washington, D.C., to honor the new Secretary of Education, Ms. Shirley M. Huffstedler. Dr. Swan, the newly elected Chairperson, expressed his appreciation for the work which had been accomplished during the past year by Ms. Viola Peterson, the retiring Chairperson of the National Advisory Council on Indian Education. Dr. Swann also informed the Council that Ms. Peterson had been honored as one of the top ten Indian women leaders in the United States. Thus concluded the first day of business.

The second day of the meeting of the National Advisory Council on Indian Education held in Denver, Colorado, was convened on December 1, 1979, promptly at 9:00 a.m. with Dr. Robert Swan, presiding. At least thirty guests were present for this session at the Executive Tower Inn in Denver, Colorado. The first presentation was given by Dr. Abdul Khan, Director of the "Indian Definition Study" mandated by Title XI of P.L. 95-561 (see: Appendix B). Dr. Khan gave an overview of the entire process involved with the Study and mentioned that he had met with Secretary Shirley M. Hufstedler to apprise her of the scope of the Study mandated by the Congress of the United States. Dr. Khan noted that there would be several public hearings held throughout the United States for the purpose of providing a forum for Indian consultation with regard to the analysis of the "Definition of Indian," currently used to identify the eligible Indian student service population under Title IV of P.L. 92-318, the Indian Education Act. Dr. Swan indicated that Council members should attend each one of the hearings if it was financially feasible.

The next presentation was delivered by Mr. Thomas Doyle, a member of the Crow Tribe from the State of Montana, and currently Assistant to the Division Chief, Federal Aviation Administration (FAA), Aurora, Colorado. Mr. Doyle addressed the Council for the purpose of raising Council awareness to the Educational Programs and Opportunities available to Indian youth within the Federal Aviation Administration. Mr. Doyle indicated that a predominately Indian school in Tacoma, Washington, had received a grant in the amount of $500,000 for the purpose of increasing Indian student knowledge of opportunities in the field of Aviation.

Next, Mr. Lee Antell, Director of the Indian Education Project, Education Commission of the States located in Denver, Colorado, discussed his project designed to obtain a stronger commitment from State Departments of Education which belong to Education Commission of the States. Thirteen States do not belong to this Commission.

Mr. Antell presented a resolution requesting support of the National Advisory Council on Indian Education for his project at the Education Commission of the States. The Council later adopted a resolution in support of Mr. Antell's efforts. Later that morning, presentations were presented by Mr. Eddie Benton, Director of the Red School House, St. Paul, Minnesota and, Ms. Virginia Mathews, the Indian Delegate to the "White House Pre-Conference on Indian Libraries." The Council then adopted a resolution entitled, "The National Indian Omnibus Library Bill," the goal of which was to develop a system of libraries throughout Indian country to serve cultural and informational needs of American Indian and Alaskan Native people living on or near Indian reservations.

The afternoon session began at 1:30 p.m. with the first presentation made by Mr. David Mack, Senior Associate at the National Institute of Education, Washington, D.C. Mr. Mack was accompanied by Ms. Martha Many Gray Horses, an Indian Staff Assistant, who assisted with the presentation. Mr. Mack provided an overview of the activities of the National Institute of Education and stated that its two specific purposes were: (1) To improve the practice of Education; and, (2) To increase the equity of education. Mr. Thomas Thompson, a Council member, stated that the National Advisory Council on Indian Education would like to work with the National Institute of Education to initiate research with regard to specific components of Title IV, P.L. 92-318 in the near future. Mr. Mack thought there would be opportunities to conduct such research, but emphasized that the National Institute of Education does not actually do the research but prepares the specifications for research for competitive bid.

Mr. Stuart Tonemah, former Executive Director of the National Advisory Council on Indian Education and currently the President of the National Indian Education Association, addressed the Council and invited both the council and staff to attend the "Annual National Indian Education Association Conference" which was being held concurrently in Denver, Colorado. Dr. Robert J. Swan, Chairperson of the National Advisory Council on Indian Education, and Dr. Michael Doss, Executive Director, conducted a workshop regarding the creation of the new Department of Education at the N.I.E.A. Conference.

Following Mr. Tonemah's presentation, Ms. Reva Crawford, the newly appointed Indian member of the National Advisory Council on Adult Education, gave a presentation to the Council regarding her current efforts on behalf of Indian Adult Education. She invited

members of the National Advisory Council on Indian Education to attend future meetings of the National Advisory Council on Adult Education, whenever possible.

Next, the Council heard three progress reports given on research topics related to Indian education. The first report was presented by Mr. Thomas Mullowney, President of Communications Technology Corporation, Marlton, New Jersey. Mr. Mullowney presented an overview of his evaluation of the impact of Parts B and C programs and projects funded under Title IV of the Indian Education Act. Then, Dr. Bill Burgess, President of the Native American Research Institute, Lawrence, Kansas, presented an overview of his research undertaken to track the progress of students funded under the Indian Fellowship programs funded by Title IV of the Indian Education Act to ascertain where the students were employed after graduation. Ms. Sarah Sneed of AKCO, Incorporated, Boulder, Colorado, presented an overview on the efforts of her organization to establish the American Indian Job/Skills Bank. She explained that the Job/Skills Bank was designed to help Indian people identify and apply for vacant positions in the Federal service and, which would correspondingly assist the Federal agencies in fulfilling their affirmative action requirements.

Mr. Ron Houston, Human Relations Specialist at the National Education Association, Teacher Rights Division, Washington, D.C., introduced himself to the Council and gave a brief presentation regarding his responsibilities as an Indian staff member empioyed by the National Education Association.

Dr. Swan recognized the presence of Mr. Theodore George, a former Chairperson of the National Advisory Council on Indian Education who is acknowledged widely as one of the top Indian Educators in the United States. Thus concluded the activities of the second day of the Denver Council meeting.

The third day of the Denver Council meeting was held on December 2, 1979, at the Executive Tower Inn in Denver, Colorado. The meeting convened promptly at 9:00 a.m. with Dr. Robert J. Swan, Chairperson, presiding. Following the invocation which was given by Ms. Viola G. Peterson, the former Chairperson of the National Advisory Council on Indian Education, the first presentation was given by Dr. Earl Barlow, Director of the Office of Indian Education Programs, Bureau of Indian Affairs, U.S. Department of the Interior. Dr. Barlow gave an excellent presentation covering the following topics: (1) The status of the ongoing study by the Government Accounting Office (GAO) regarding whether the Bureau of In-

dian Affairs should continue to provide educational services to Indian children; (2) The school equalization of funding programs; (3) The personnel policy changes in the Bureau of Indian Affairs; (4) The policy status for the Bureau of Indian Affairs schools; (5) The Bureau of Indian Affairs contract schools; and, (6) The feasibility studies by each of the newly established Tribally Controlled Community Colleges needed to qualify for Federal monies under P.L. 95-471, the "Tribally Controlled Community Colleges Act of 1978." Dr. Barlow's presentation was very informative and the Council thanked him for taking time from his very busy schedule to attend the Council meeting. The Council appreciated deeply his efforts to improve the administration of the Office of Indian Education Programs at the Bureau of Indian Affairs, and reaffirmed their confidence in his office by approving unanimously the following motion:

> I MOVE that NACIE shall continue to actively support and advocate for a firm position of the Federally recognized tribes that the Bureau of Indian Affairs Education must remain intact and upgraded within the Department of the Interior and, further that the NACIE reaffirm its earlier motion to oppose the transfer of the Bureau of Indian Affairs education functions into the Department of Education and finally that this motion and other related NACIE actions be sent to the President, the Congress, the Secretary of Education, GAO, Secretary of the Interior and other related agencies.

Next, Ms. Carol Minugh, Indian Staff Director at the National Center for Research in Vocational Education, Columbus, Ohio, presented an overview of the activities of her organization, including her continued interest in the 1% Vocational Education Set-Aside funds for vocational education programs to Indian Tribes. Although the Bureau of Indian Affairs is mandated by P.L. 95-40, to provide matching funds with the Department of Education for Vocational Education programs for Tribes, the Bureau had applied for and received "statutory waivers" regarding compliance with this provision of the law which had legally exempted the Bureau from participation in Fiscal Year 1979 and Fiscal Year 1980. The Department of Education, however, had fulfilled its obligation under the law with distinction.

The balance of testimony for the remainder of the day included the concerns and unmet needs expressed by members of the Indian education community. A list of these concerns and unmet needs included in Part V of this Report entitled, "Unmet Needs and Concerns Expressed by the Indian Community to the National Advisory Council on Indian Education." The Council recessed at 5:00 p.m.

Due to the fact that there was additional Council business which had not been accomplished to date and since there were several guests presentations yet to be heard by the Council, the meeting was extended one additional day.

On December 3, 1979, the Council convened at 9:00 a.m. with Dr. Robert Swan, Chairperson, presiding. The first presentation was given by Dr. Gerald Gipp, Deputy Commissioner of the Office of Indian Education. Dr. Gipp gave an overview of the Indian Eligibility Form 506, which his office had mailed to the Indian community. Furthermore, he outlined the procedures for distributing and gathering information required by that form. Dr. Gipp and the Council discussed fully the pros and cons of the new 506 Form.

Then, Mr. Joseph Dupris, Executive Director of the Coalition of Indian Controlled School Boards, made a presentation before the Council. Mr. Dupris stated that his organization had requested that the Office of Indian Education define accurately the phrase "Indian Preference," as stated in P.L. 93-638, Section 7(b). In order to ascertain the usage of that phrase as applied to Indian Educational programs located within the U.S. Department of Education, Mr. Dupris indicated that he had not received a response to his inquiry to date. The Council requested that Dr. Gipp contact the Solicitor for the Department of Education and request that he provide a written response to Mr. Dupris' inquiry at the earliest possible date.

The final presentation of the day was delivered by Mr. Leroy Clifford, Executive Director of the American Indian Higher Education Consortium, located in Denver, Colorado. Mr. Clifford presented a resolution in which he requested Council support for full funding of P.L. 95-471, the Tribally Controlled Community College Assistance Act of 1978 for fiscal year 1981. The Council passed unanimously a motion supporting full funding to implement P.L. 95-471 in fiscal year 1981, which is included as one of our final recommendations to the Congress of the United States and the Secretary of Education in Part I of this report. The Council concluded its business and adjourned at 1:30 p.m.

PART V

Unmet Educational Needs and Concerns Expressed by the Indian Community

The National Advisory Council on Indian Education fulfills a unique service to the Congress of the United States, since, in addition to its functions identified in our Congressional mandate, P.L. 92-318, we have provided the Indian community a forum whereby Indian people may identify unmet educational needs and concerns which exist within their own communities. The third day of each full Council meeting is reserved by the Council for the purpose of receiving public testimony from Indian people on a variety of topics which affect the quality of Indian education. We have divided those issues raised in public testimony before the Council into the following two groups: (1) Unmet Educational Needs; and, (2) Educational Concerns. Although we have not discussed these issues in this report, we have identified them below for your review. Please note that these needs are not prioritized.

UNMET EDUCATIONAL NEEDS

1. More financial resources are needed to construct public schools on Indian reservations via P.L. 81-815.
2. More Indian libraries must be established on or near Indian reservations to meet the needs of Indian students and adults.
3. There needs to be established an "Indian Reading Room" within the Library of Congress.
4. More Indian children and adults need to take advantage of programs and employment opportunities within the FAA, Federal Aviation Administration.
5. "Indian Preference" needs to be extended throughout all Agencies of the Federal Government, including the Department of Education, with regard to both employment practices and federal contracting when relevant to Indian Programming.
6. The Tribally Controlled Community Colleges must receive adequate funding to insure that they will continue to develop fully.
7. Additional Tribally Controlled Community Colleges must be established to meet the needs of Indian communities interested in developing their human and natural resources.
8. There must be established a means by which Indian people can identify programs within the Department of Education for which they are eligible.
9. Both Indian and Alaskan Natives need assistance in the development of culturally relevant curriculum materials and, they must be developed locally.

10. Both Indian and Alsakan Natives need assistance in program development in order that the programs will meet the needs of the community.

11. More teacher training is needed by both Indian and Alaskan Native local educational agencies.

12. There is a need for greater local control of Indian and Alaskan Native Education in order to become self-determined.

13. There was a need for more information dissemination from the Office of Indian Education at the Department of Education to the local educational agency.

14. There was a need for better communications between the Office of Indian Education, the Education Department and the field.

15. In many Indian communities there is a need to learn the English language, while at the same time keeping the culture intact.

16. There is a need to develop survey models for the purpose of gathering baseline tribal information, and which can be adopted for use by tribal education committees.

17. There is a need to recognize the diverse Indian educational needs from reservation to reservation.

18. There is a need to consider alternative approaches to the delivery of technical assistance, including the utilization of computer centers, clearinghouses and communication networks.

19. There is a need to recognize the cultural and linguistic differences among Indian tribes.

20. There is a need for increased Indian control of Indian education by Indian communities.

21. There is a need for more responsiveness to Indian educational issues on the part of the Federal Government.

22. There is a need for more effective evaluation models to be developed for the teaching process.

23. There is a need for technical assistance to be provided to Title IV grantees by Indian organizations rather than state universities and colleges.

24. There is a need for extensive Indian consultation with regard to the "Definition of Indian Study" mandated by P.L. 95-561.

25. There is a need for the development of new courses by Indian people which relates accurately the history of their individual tribe.

26. There is a need to establish a clearinghouse or review board designed to edit new textbooks which relate Indian history for the purpose of cultural accuracy.

27. There is a need to eradicate negative Indian stereotypes from textbooks, novels, films, television and other media.

28. There is a need to maximize the opportunity for Indian adults to attain the GED, General Equivalency Diploma.

29. There is a need for the construction of facilities for the expression of Indian culture.

30. There is a need to provide more Indian vocational education for the purpose of job training and job advancement.

31. There is a need to provide Indian people with quality early education programs.

EDUCATIONAL CONCERNS EXPRESSED BY THE INDIAN COMMUNITY IN 1979

In addition to the list of "Unmet Educational Needs" identified by members of the Indian community, identified above, Indian people also presented the following list of "Educational Concerns" which they presented to our Council on the third day of each full Council meeting, and at the two Committee meetings. Again, please note that the list of concerns are not prioritized.

1. There were many Indian people concerned about the future placement and role of the Office of Indian Education in the new Department of Education.

2. Many Indian people concerned about the "Indian Definition Study" mandated by P.L. 95-561, and expressed a variety of concerns including the overwhelming concern that Indian tribes, Indian organizations and Indian individuals must be consulted fully prior to any recommended changes in the current definition utilized by the Office of Indian Education and mandated by P.L. 92-318, the Indian Education Act.

3. Many Indian people have expressed their concerns related to the revised Form 506, the Indian Student Eligibility Certification Forms, required by the Office of Indian Education and, have in some instances, opposed the use of the new form which they feared might exclude eligible Indian children from benefiting from funds provided by P.L. 92-318, the Indian Education Act.

4. There were numerous concerns related directly to the establishment of the new "Indian Resource and Evaluation Centers" proposed by the Office of Indian Education. These concerns were presented at the meeting of the Technical Assistance, Research and Evaluation Committee meeting of the Council held on June 1-2, 1979, in Reno, Nevada. These concerns were divided into two main categories: (1) concerns regarding the Indian Resource and Evaluation Centers as proposed by the Office of Indian Education; and, (2) concerns

regarding the best means of delivering technical assistance to Title IV grantees. Examples of these concerns may be found earlier in this report in Part IV, Activities of the National Advisory Council on Indian Education.

5. At least one Indian organization has been concerned with the implementation of "Indian Preference" in the new Department of Education, as it applies to both employment and contracting for services. This concern later resulted in litigation directed toward the Office of Indian Education and the Department of Education in 1979.

6. There has been a great deal of concern regarding the Office of Indian Education Programs from the Bureau of Indian Affairs to the new Department of Education. The proposed transfer was opposed by many tribes and Indian organizations.

7. Several Indian people were concerned with the fact that the 1% vocational set-aside for Indian tribes mandated by P.L. 95-40 had not been obligated by the Bureau of Indian Affairs as required by law. Although the Bureau of Occupational and Adult Education within the Department of Education has met its statutory obligation under the Act, the Bureau of Indian Affairs at the U.S. Department of the Interior has successfully obtained statutory waivers from the requirements of the Act in Fiscal Years 1979 and 1980.

8. One Indian student expressed the concern of the student body at the American Indian Art Institute at Sante Fe, New Mexico, on behalf of the continued survival of that Institute which had become a topic of considerable discussion during 1979.

9. There were some concerns raised on two occasions regarding the validity of the National Advisory Council on Indian Education and, with regard to the relevancy and degree of progress that our organization had made since its creation by the U.S. Congress.

10. There was one concern expressed indicating a need for Indian people to utilize the expertise and services of universities and colleges throughout the United States. It was felt that Native American graduate students could be very helpful in gathering and disseminating information for use by Indian and Alaskan Native communities.

Appendices

APPENDIX A

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

FUNCTIONS

The Council shall advise the Congress, the Secretary of Health, Education, and Welfare, the Assistant Secretary for Education, and the Commissioner of Education with regard to programs benefiting Indian children and adults. More specifically, the Council shall:

1. submit to the Commissioner a list of nominees for the position of Deputy Commissioner of Indian Education;
2. advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (P.L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of P.L. 92-318 and amended by P.L. 93-380), and with respect to adequate funding thereof;
3. review applications for assistance under Title III of the Act of September 30, 1950 (P.L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of P.L. 92-318), and make recommendations to the Commissioner with respect to their approval;
4. evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;
5. provide technical assistance to local educational agencies and to Indian education agencies, institutions, and organizations to assist them in improving the education of Indian children;
6. assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (P.L. 81-874) as added by Title IV, Part A, of P.L. 92-318;
7. submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such programs; and

8. be consulted by the Commissioner of Education regarding the definition of the term "Indian" as follows:

> Sec. 453 [Title IV, P.L. 92-318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian."

APPENDIX B

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TITLE XI—INDIAN EDUCATION

PART A—ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES

AMENDMENT TO PUBLIC LAW 874

SEC. 1101. (a) Effective with respect to fiscal years beginning on or after the date of enactment of this Act, section 3(d)(2) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by adding at the end thereof the following new subparagraph: 20 USC 238.

"(D) The amount of the entitlements of any local educational agency under this section for any fiscal year with respect to children who, while in attendance at such agency, resided on Indian lands, as described in clause (A) of section 403(1), shall be the amount determined under paragraph (1) with respect to such children for such fiscal year multiplied by 125 per centum.".

(b) Effective with respect to fiscal years beginning on or after the date of enactment of this Act, section 5(a)(2) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is repealed and section 5(a)(1) of such Act is redesignated as section 5(a). Repeal. 20 USC 240.

(c) Effective with respect to fiscal years beginning on or after the date of enactment of this Act, section 5(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by inserting after paragraph (2) (as added by section 1005 of this Act) the following new paragraph:

"(3)(A) Payments of entitlements under section 3(d)(2)(D) of this Act shall be made only to local educational agencies which have, within one year of the date of enactment of this paragraph, or when local educational agencies are formed after such date of enactment, within one year of their formation, established such policies and procedures with respect to information received from Indian parents and tribes as required by this paragraph and which have made assurances to the Commissioner, at such time and in such manner as shall be determined by regulation, that such policies and procedures have been established. The Commissioner shall have the authority to waive this one-year limit for good cause, and in writing to the tribes to be affected.

"(B) Each local educational agency shall establish such policies and procedures as are necessary to insure that—

20 USC 238.

"(i) Indian children claimed under section 3(a) participate on an equal basis in the school program with all other children educated by the local educational agency;

"(ii) applications, evaluations, and program plans are adequately disseminated to the tribes and parents of Indian children claimed under section 3(a); and

"(iii) tribes and parents of Indian children claimed under section 3(a) are—

"(I) afforded an opportunity to present their views with respect to the application, including the opportunity to make recommendations concerning the needs of their children and the ways by which they can assist their children in realizing the benefits to be derived from the educational programs assisted under this paragraph;

"(II) actively consulted and involved in the planning and development of programs assisted under this paragraph; and

"(III) afforded a general opportunity to present their overall views on the educational program, including the operation of such programs, and the degree of parental participation allowed.

Written complaint.

"(C)(i) Any tribe, or its designee, which has students in attendance at a local educational agency may file a written complaint with the Commissioner regarding any action of a local educational agency taken pursuant to, or relevant to, the requirements of subparagraph (B) of this paragraph.

"(ii) Within ten working days from receipt of the complaint, the Commissioner shall—

Hearing.

"(I) designate a time and place for a hearing into the matters relating to the complaint at a location in close proximity to the local educational agency involved, or, if the Commissioner determines there is good cause, at some other location convenient to both the tribe, or its designee, and the local educational agency;

"(II) designate a hearing examiner to conduct the hearing; and

"(III) notify the affected tribe or tribes and the local educational agency involved of the time, place, and nature of the hearing and send copies of the complaint to the local educational agency and the affected tribe or tribes.

"(iii) The hearing shall be held within thirty days of the designation of a hearing examiner and shall be open to the public. A record of the proceedings shall be established and maintained.

"(iv) The complaining tribe, or its designee, and the local educational agency shall be entitled to present evidence on matters relevant to the complaint and to make recommendations concerning the appropriate remedial actions. Each party to the hearing shall bear only its own costs in the proceeding.

"(v) Within thirty days of the completion of the hearing, the hearing examiner shall, on the basis of the record, make written findings of fact and recommendations concerning appropriate remedial actions (if any) which should be taken. The hearing examiner's findings and recommendations, along with the hearing record, shall be forwarded to the Commissioner.

"(vi) Within thirty days of his receipt of the findings, recommendations, and record, the Commissioner shall, on the basis of the record, make a written determination of the appropriate remedial action, if any, to be taken by the local educational agency, the schedule for completion of the remedial action, and the reasons for his decision.

"(vii) Upon completion of his final determination, the Commissioner shall provide the complaining tribe, or its designee, and the local educational agency with copies of the hearing record, the hearing examiner's findings and recommendations, and the Commissioner's final determination. The final determination of the Commissioner shall be subject to judicial review.

"(viii) In all actions under this subparagraph, the Commissioner shall have discretion to consolidate complaints involving the same tribe or local educational agency.

"(D) If the local educational agency rejects the determination of the Commissioner, or if the remedy required is not undertaken within the time established and the Commissioner determines that an extension of the time established will not effectively encourage the remedy required, the Commissioner shall withhold payment of all moneys to which such local agency is entitled under section 3(d)(2)(D) until such time as the remedy required is undertaken, except where the complaining tribe or its designee formally requests that such funds be released to the local educational agency: *Provided*, That the Commissioner may not withhold such moneys during the course of the school year if he determines that it would substantially disrupt the educational programs of the local educational agency. 20 USC 238.

"(E) This paragraph is based upon the special relationship between the Indian nations and the United States and nothing in it shall be deemed to relieve any State of any duty with respect to any citizens of that State.".

(d) Within one year of the date of enactment of this Act, the Secretary, in cooperation with the Commissioner, shall Regulations. 20 USC 240 note.

propose and promulgate special regulations which will provide that where a local educational agency does not undertake the remedial action required by the Commissioner under section 5(b)(3)(C)(vi) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) and the Commissioner determines that an extension of time will not effectively encourage the remedy, the affected tribes may elect to contract with the Bureau under title I of the Indian Self-Determination and Education Assistance Act to provide educational services provided by the local educational agency or elect to have such services provided by a Bureau of Indian Affairs school. Such regulations shall also establish procedures whereby the funding necessary to provide such educational services may be obtained, and establish such procedures as are necessary to insure orderly and expeditious transition in provision of educational services.

20 USC 240.

25 USC 450f.

(e) Effective with respect to fiscal years beginning on or after the date of the enactment of this Act, section 5(c)(2)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended by section 1007 of this Act, is amended by redesignating divisions (ii) through (vi) as divisions (iii) through (vii), respectively, and by adding after division (i) the following new division:

"(ii) to each local educational agency which provides free public education for children who reside on Indian land, as described in clause (A) of section 403(1), which equals 75 per centum of the amount to which such agency is entitled under section 3(d)(2)(D);".

20 USC 244.

FUNDING PROVISION

SEC. 1102. (a) The Secretary of the Interior shall develop alternative methods for the equitable distribution of any supplement program funds provided, pursuant to an appropriation under the Act of November 2, 1921, commonly referred to as the Snyder Act, for contracting under the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act, and shall publish in the Federal Register by March 1, 1979, such alternatives for the purpose of allowing eligible tribes to comment by May 1, 1979. At that time, the Secretary shall conduct a field survey listing all alternative formula.

Publication in Federal Register.
25 USC 13 note.
25 USC 13.
25 USC 452 note.
Field Survey.

(b) By July 1, 1979, the Secretary shall establish and publish the formula in the Federal Register which the majority of such tribes determine, but vote certified to the Secretary, to be most equitable and shall use such formula for purposes of distribution of the funds appropriated pursuant to such Act beginning on or after October 1, 1979. The Secretary shall, in accordance with procedures consistent with that prescribed herein, revise such formula periodically as necessary.

Formula, publication in Federal Register.

BASIC EDUCATIONAL SUPPORT

SEC. 1103. (a)(1) From sums already appropriated under the Act of November 2, 1921 (25 U.S.C. 13) and notwithstanding any other provision of law or any requirement of a grant or agreement relating to the timing of payments for basic support contracts or grants under the Act of April 16, 1934 (25 U.S.C. 452-457), the Secretary of the Interior shall make payments of any unexpended funds obligated for basic support contracts or grants under such Act of November 2, 1921, for fiscal year 1978 to any school that has received notification from the Department of the Interior of the award of such a contract or grant. Such payments shall be made in accordance with any applicable condition of such contracts or grants other than conditions relating to the timing of payments. 25 USC 13 note.

(2) The Secretary of the Interior shall make the payments referred to in paragraph (1) not later than thirty days after the date of the enactment of this Act. Saturdays, Sundays, and legal public holidays, as established by section 6103 of title 5, United States Code, shall not be considered as days for purposes of the preceding sentence.

(b) Such sums as are needed under such Act of November 2, 1921, are authorized to be appropriated to provide funds for basic educational support through parent committees under such Act of April 16, 1934, to those public schools educating Indian students and whose total sum of Federal, State, and local funds is insufficient to bring the education of the enrolled Indian students to a level equal to the level of education provided non-Indian students in the public schools in which they are enrolled where the absence of such support would result in the closing of schools or the reduction in quality of the education program afforded Indian students attending public schools. 25 USC 13-1.

PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS

STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS

SEC. 1121. (a) The Secretary, in consultation with the Assistant Secretary of Health, Education, and Welfare for Education, and in consultation with Indian organizations and tribes, shall carry out or cause to be carried out by contract with an Indian organization such studies and surveys, making the fullest use possible of other existing studies, surveys, and plans, as are necessary to establish and revise standards for the basic education of Indian children attending Bureau schools and Indian controlled contract schools (hereinafter referred to as "contract schools"). Such studies and surveys shall take into account factors such as academic Studies and surveys. 25 USC 2000.

needs, local cultural differences, type and level of language skills, geographical isolation and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.

Minimum academic standards. Publication in Federal Register.

(b)(1) Within fifteen months of the date of enactment of this Act, the Secretary shall propose minimum academic standards for the basic education of Indian children, and shall distribute such proposed standards to the tribes and publish such proposed standards in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within eighteen months of the date of enactment of this Act, the Secretary shall establish final standards, distribute such standards to all the tribes and publish such standards in the Federal Register. The Secretary shall revise such standards periodically as necessary. Prior to any revision of such standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

(2) Such standards shall apply to Bureau schools, and subject to subsection (e), to contract schools, and may also serve as a model for educational programs for Indian children in public schools. In establishing and revising such standards, the Secretary shall take into account the special needs of Indian students and the support and reinforcement of the specific cultural heritage of each tribe.

(c) The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (b), where necessary, so that the programs of each school shall be in compliance with the minimum standards required for accreditation of schools in the State where the school is located.

Waiver.

(d) A tribal governing body, or the local school board if so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsections (b) and (c), where such standards are deemed by such body to be inappropriate or ill-conceived, and shall also have the authority to revise such standards to take into account the specific needs of the tribe's children. Such revised standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and unreviewable.

(e) The Secretary, through contracting procedures, shall assist school boards of contract schools in the implementation of the standards established under subsection (b) and

(c), if the school boards request that such standards, in part or in whole, be implemented. The Secretary shall not refuse to enter into a contract with respect to any contract school on the basis of failure to meet such standards. At the request of a contract school board, the Secretary shall provide alternative or modified standards for the standards established under subsections (b) and (c) to take into account the needs of the Indian children and the contract school.

Plan, submittal to congressional committees.

(f) Subject to subsections (d) and (e), the Secretary shall begin to implement the standards established under this section immediately upon the date of their establishment. Within one year of such date, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau and contract schools up to the level required by the applicable standards established under this section. Such plan shall include, but not be limited to, detailed information on the status of each school's educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school up to the level required by such standards.

Appropriation authorization.

(g) There are hereby authorized to be appropriated such sums as may be necessary, for academic program costs, in order to bring all Bureau and contract schools up to the level required by the applicable standards established under this section.

NATIONAL CRITERIA FOR DORMITORY SITUATIONS

Boarding costs, study.
25 USC 2002.

SEC. 1122. (a) The Secretary, in consultation with the Assistant Secretary for Health, Education, and Welfare for Education, and in consultation with Indian organizations and tribes, shall conduct or cause to be conducted by contract with an Indian organization, a study of the costs applicable to boarding arrangements for Indian students provided in Bureau and contract schools, for the purpose of establishing national criteria for such dormitory situations. Such criteria shall include adult-child ratios, needs for counselors (including special needs related to off-reservation boarding arrangements), space, and privacy.

Distributions to tribes and publication in Federal Register.

(b) Within fifteen months of the date of enactment of this Act, the Secretary shall propose such criteria, and shall distribute such proposed criteria to the tribes and publish such proposed criteria in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within eighteen months of the date of enactment of this Act, the Secretary shall establish final criteria, distribute such criteria to all the tribes, and publish such

criteria in the Federal Register. The Secretary shall revise such criteria periodically as necessary. Prior to any revision of such criteria, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

Plan, submittal to congressional committees.

(c) The Secretary shall begin to implement the criteria established under this section immediately upon the date of their establishment. Within one year of such date, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau and contract boarding schools up to the criteria established under this section. Such plan shall include, but not be limited to, predictions for the relative need for each boarding school in the future, detailed information on the status of each school in relation to the criteria established under this section, specific cost estimates for meeting such criteria at each school, and specific time lines for bringing each school up to the level required by such criteria.

Appropriation authorization.

(d) There are hereby authorized to be appropriated such sums as may be necessary in order to bring each school up to the level required by the criteria established under this section.

REGULATIONS

25 USC 2003.

SEC. 1123. The Secretary shall establish such regulations as are necessary to carry out sections 1121 and 1122 within eighteen months after the date of enactment of this Act.

STUDIES

Appropriations, limitation.
25 USC 2004.

SEC. 1124. There are hereby authorized to be appropriated no more than $1,000,000 to carry out the studies conducted under section 1121(a) and section 1122(a).

FACILITIES CONSTRUCTION

25 USC 2005.

SEC. 1125. (a) The Secretary shall immediately begin to bring all schools, dormitories, and other facilities operated by the Bureau or under contract with the Bureau in connection with the education of Indian children into compliance with all applicable Federal, tribal, or State health and safety standards, whichever provide greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), and with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of enactment of this Act.

(b) Within one year of the date of enactment of this Act, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring such facilities into compliance with such standards. Such plan shall include, but not be limited to, detailed information on the status of each facility's compliance with such standards, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school into compliance with such standards.

Plan, submittal to congressional committees.

(c) Within six months of the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress, and publish in the Federal Register, the system used to establish priorities for school construction projects. At the time any budget request for school construction is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all school construction priorities.

Priorities, submittals to congressional committees and publications in Federal Register.

(d) There are hereby authorized to be appropriated such sums as may be necessary to carry out subsection (a).

Appropriation authorization.

BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS

SEC. 1126. (a) The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure, and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education Programs within the Bureau (hereinafter referred to as the "Office"), which shall be governed by the provisions of this Act, any other provision of law to the contrary not withstanding.

25 USC 2006.

(b) The Director of the Office shall direct and supervise the operations of all personnel directly and substantially involved with provision of education services by the Bureau. The Assistant Secretary for Indian Affairs shall provide for the adequate coordination between the affected Bureau offices and the Office in order to facilitate the expeditious consideration of all contract functions relating to education. Nothing in this Act shall be construed to require the provision of separate support services for Indian education.

(c) Education personnel located in Bureau agencies, who are under the direction and supervision of the Director of the Office in accordance with the first sentence of subsection (b), shall—

(1) monitor and evaluate Bureau education programs, and

(2) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, and curriculum.

However, in the case of boarding schools located off reservation operated by the Bureau, education personnel located in area offices of the Bureau shall provide such services, under the direction and supervision of the Director of the Office.

"Functions."

(d) For the purpose of this section the term "functions" includes powers and duties.

IMPLEMENTATION

Publication in Federal Register. 25 USC 2007.

SEC. 1127. Within six months after the date of enactment of this Act, the Secretary shall establish and publish in the Federal Register the policies and procedures which are necessary to implement the transfer of functions made under section 1126.

ALLOTMENT FORMULA

Regulation. 25 USC 2008.

SEC. 1128. (a) The Secretary shall establish, by regulation adopted in accordance with section 1138, a formula for determining the minimum annual amount of funds necessary to sustain each Bureau or contract school. In establishing such formula, the Secretary shall consider—

(1) the number of Indian students served and size of the school;

(2) special cost factors, such as—

(A) isolation of the school;

(B) need for special staffing, transportation, or educational programs;

(C) food and housing costs;

(D) overhead costs associated with administering contracted education functions; and

(E) maintenance and repair costs associated with the physical condition of the educational facilities;

(3) the cost of providing academic services which are at least equivalent to those provided by public schools in the State in which the school is located;

(4) the cost of bringing the school up to the level of the standards established under sections 1121 and 1122; and

(5) such other relevant factors as the Secretary determines are appropriate.

(b) Notwithstanding any other provisions of law, Federal funds appropriated for the general local operation of Bureau and contract schools, shall be allotted pro rata in accordance with the formula established under subsection (a), except that, in the case of any such school which is located in a school district of a local educational agency which receives

from Federal funds under other provisions of law an average pryment per Indian child attending such school in that district which is higher than the amount which would be received by such Bureau or contract school under such formula for each Indian child attending such school, the payment to be received by that school under this section for each such child shall be equal to such average payment for an Indian child in public school in that district.

(c) Notwithstanding subsection (b), the Secretary shall provide funds for the general local operation of Bureau and contract schools where necessitated by cases of emergencies or unforeseen contingencies not otherwise provided for under subsection (a). Whenever the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress. Funds, provision

UNIFORM DIRECT FUNDING AND SUPPORT

SEC. 1129. (a) Within six months after the date of enactment of this Act, the Secretary shall establish, by regulation adopted in accordance with section 1138, a system for the direct funding and support of all Bureau and contract schools. Such system shall allot funds, in accordance with section 1128, and shall provide each affected school with notification of its approximate allotment not later than the end of the school year preceding the year for which the allotment is to be made. Regulation. 25 USC 2009.

(b) In the case of all Bureau schools, allotted funds shall be expended on the basis of local financial plans which shall be prepared by the local school supervisor in active consultation with the local school board for each school, and the local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan. The supervisor of the school may appeal any such action by the local school board to the superinterdent for education of the Bureau agency, and the superintendent may, for good cause and in writing to the local school board, overturn the action of the local school board. Local financial plans. Appeals.

(c) Funds for self-determination grants under section 104(a)(2) of the Indian Self-Determination and Education Assistance Act shall not be used for providing technical assistance and training in the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is in- 25 USC 450h.

tended to be transferred to such tribe or tribes within a specific period of time negotiated under such agreement.

(d) In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and he shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.

POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION

25 USC 2010.

SEC. 1130. It shall be the policy of the Bureau, in carrying out the functions of the Bureau, to facilitate Indian control of Indian affairs in all matters relating to education.

EDUCATION PERSONNEL

25 USC 2011.
5 USC 5101 *et seq.*, 5301, 6301 *et seq.*

SEC. 1131. (a)(1) Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to leave, pay, and classification, and the sections relating to the appointment, promotion and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (n)).

(2) Paragraph (1) shall take effect one year after the date of enactment of this Act.

Regulations.

(b) Not later than the effective date of subsection (a)(2), the Secretary shall prescribe regulations to carry out this section. Such regulations shall govern—

(1) the establishment of education positions,

(2) the establishment of qualifications for educators,

(3) the fixing of basic compensation for educators and education positions,

(4) the appointment of educators,

(5) the discharge of educators,

(6) the entitlement of educators to compensation,

(7) the payment of compensation to educators,

(8) the conditions of employment of educators,

(9) the length of the school year applicable to education positions described in subsection (n)(1)(A),

(10) the leave system for educators, and

(11) such other matters as may be appropriate.

Educator qualifications, requirements.

(c)(1) In prescribing regulations to govern the qualifications of educators, the Secretary shall require—

(A)(i) that lists of qualified and interviewed applicants for education positions be maintained in each agency and area office of the Bureau from among individuals who have applied at the agency or area level for an education position or who have applied at the national level and have indicated in such application an interest in working in certain areas or agencies; and

(ii) that a list of qualified and interviewed applicants for education positions be maintained in the Office

from among individuals who have applied at the national level for an education position and who have expressed interest in working in an education position anywhere in the United States;

(B) that a local school board shall have the authority to waive on a case-by-case basis, any formal education or degree qualifications established by regulation pursuant to subsection (b)(2), in order for a tribal member to be hired in an education position to teach courses on tribal culture and language and that subject to subsection (d)(2)(A), a determination by a school board that such a person be hired shall be followed by the supervisor; and

(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level that such individual's name appear on the national list maintained pursuant to subsection (c)(1)(A)(ii) or that such individual has applied at the national level for an education position.

(2) The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to do so would result in that position remaining vacant.

Educator appointments, requirements.

(d)(1) In prescribing regulations to govern the appointment of educators, the Secretary shall require—

(A)(i) that educators employed in a school (other than the supervisor of the school) shall be hired by the supervisor of the school unless there are no qualified applicants available, in which case the vacant position shall be filed at the national level from the list maintained pursuant to subsection (c)(1)(A)(ii).

(ii) each school supervisor shall be hired by the superintendent for education of the agency office of the Bureau in which the school is located, and

(iii) educators employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office;

(B) that before an individual is employed in an education position in a school by the supervisor of a school (or, with respect to be position of supervisor, by the appropriate agency superintendent for education), the local school board for the school shall be consulted, and that subject to subsection (d)(2), a determination by the school board that such individual should or should not be so employed shall be followed by the supervisor (or with respect to the position of supervisor, by the agency superintendent for education); and

(C) that before an individual may be employed in an education position at the agency level, the appropriate agency school board shall be consulted, and that, subject to subsection (d)(3), a determination by such school board that such individual should or should not be employed shall be followed by the agency superintendent for education.

Appeals.

(2)(A) The supervisor of a school may appeal to the appropriate agency superintendent for education any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school other than that of supervisor. Upon such an appeal, the agency superintendent for education may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

(B) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for a school that an individual be employed, or not be employed, as the supervisor of the school. Upon such an appeal, the Director of the Office may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

(3) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office. Upon such an appeal, the Director of the Office may, for good cause and in writing to the agency school board, overturn the determination of the agency school board with respect to the employment of such individual.

Education position application statement.

(4) Any individual who applies at the local level for an education position shall state on such individual's application whether or not such individual has applied at the national level for an education position in the Bureau. If such individual is employed at the local level, such individual's name shall immediately be forwarded to the Secretary, who shall, as soon as possible but in no event in more than thirty days, ascertain the accuracy of the statement made by such individual pursuant to the first sentence of this subparagraph. If the individual's statement is found to have been false, such individual, at the Secretary's discretion, may be disciplined or discharged. If the individual had applied at the national level for an education position in the Bureau, if the appointment of such individual at the local level shall be conditional for a period of ninety days, during which period the Secretary may appoint a more qualified individual (as

determined by the Secretary) from the list maintained at the national level pursuant to subsection (c)(1)(A)(ii) to the position to which such individual was appointed.

(5) Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards, authority over, or control of, educators.

Educator discharge and employment requirements.

(e)(1) In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

(A) that procedures be established for the rapid and equitable resolution of grievances of educators;

(B) that no educator may be discharged without notice of the reasons therefore and opportunity for a hearing under procedures that comport with the requirements of due process; and

(C) educators employed in Bureau schools shall be notified sixty days prior to the end of the school year whether their employment contract will be renewed for the coming year.

Notification

(2) The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the local, school board for the school of such action. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the superintendent for education of the appropriate agency office of the Bureau. Upon such an appeal, the agency superintendent for education may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

Appeal.

Recommendations.

(3) Each local school board for a Bureau school shall have the right (A) to recommend to the supervisor of such school that an educator employed in the school be discharged, and (B) to recommend to the superintendent of education of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.

Waiver.

(f)(1) Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action within the purview of this section respecting an employee not entitled to Indian preference if each tribal organization concerned grants, in writing, a waiver of the application of such laws with respect to such personnel action, where such a waiver is in writing deemed to be a necessity by the tribal organization, except that this shall in

no way relieve the Bureau of its responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if it is intended to fill a vacancy (no matter how such vacancy is created).

Definitions.

(2) For purposes of this subsection, the term "tribal organization" means—

(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c); 85 Stat. 688); or

(B) in connection with any personnel action referred to in this subsection, any local school board as defined in section 1139, and which has been delegated by such governing body the authority to grant a waiver under such subsection with respect to such personnel action.

(3) The term "Indian preference laws" means section 12 of the Act of June 18, 1934 (25 U.S.C. 472; 48 Stat. 986) or any other provision of law granting a preference to Indians in promotions and other personnel actions, except that such term shall not be considered to include section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b); 88 Stat. 2295).

5 USC 5101 *et seq.*

(g) Subject to the authority of the Civil Service Commission to determine finally the applicability of chapter 51 of title 5, United States Code, to specific positions and employees in the executive branch, the Secretary shall determine in accordance with subsection (a)(1) the applicability or inapplicability of such chapter to positions and employees in the Bureau.

Compensation.

5 USC 5332 note.

(h)(1) The Secretary shall fix the basic compensation or annual salary rate for educators and education positions at rates comparable to the rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 is applicable.

(2) Each educator employed in an education position in Alaska shall be paid a cost-of-living allowance equal to 25 per centum of the rate of basic compensation to which such educator is entitled.

(3) The Secretary may pay a postdifferential not to exceed 25 per centum of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.

(i) Any individual—

(1) who on the date of enactment of this Act is holding a position which is determined under subsection (f) to be an education position and who elects under sub-

section (o)(2) to be covered under the provisions of this section, or

(2) who is an employee of the Federal Government or the municipal government of the District of Columbia and is transferred, promoted, or reappointed, without break in service, from a position under a different leave system to an education position,

shall be credited for the purposes of the leave system provided under regulations prescribed pursuant to subsection (b)(10), with the annual and sick leave to his credit immediately before the effective date of such election, transfer, promotion, or reappointment.

(j) Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with section 5551(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed pursuant to subsection (b)(10) shall not be so liquidated.

(k) In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal Government under a different leave system, any remaining leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) shall be transferred to his credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Civil Service Commission.

(l) An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

(m) In the case of any educator employed in an education position described in subsection (n)(1)(A) who—

(1) is employed at the close of a school year,

(2) agrees in writing to serve in such a position for the next school year, and

(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in subsection (g)(2) or (g)(3), section 5533 of title 5, United States Code, relating to dual compensation, shall not apply to such educator by reason of any such employment during a recess period for any such receipt of additional compensation.

(n) For the purpose of this section— Definitions.

(1) The term "education position" means a position

in the Bureau the duties and responsibilities of which—

(A) are performed on a school-year basis principally in a Bureau school and involve—

(i) classroom or other instruction or the supervision of direction of classroom or other instruction;

(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education; or

(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or

(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs other than the position of agency superintendent for education.

(2) The term "educator" means an individual whose services are required, or who is employed in an education position.

(o)(1) This section shall apply with respect to any individual hired after the effective date of subsection (a)(2) for employment in an education position and to the position in which such individual is employed. Subject to paragraph (2), the enactment of this Act shall not affect the continued employment of any individual employed immediately before the effective date of subsection (a)(2) in an education position, or such individual's right to receive the compensation attached to such position.

(2) Any individual employed in an education position immediately before the effective date of subsection (a)(2) may, within five years of the date of enactment of this Act, make an irrevocable election to be covered under the provisions of this section.

MANAGEMENT INFORMATION SYSTEM

Establishment.
25 USC 2012.

SEC. 1132. The Secretary shall establish within the Bureau, within one year after the date of the enactment of this Act, a computerized management information system, which shall provide information to all agency and area offices of the Bureau, and to the Office. Such information shall include but shall not be limited to—

(1) student enrollment;

(2) curriculum;

(3) staff;
(4) facilities;
(5) community demographics; and
(6) student assessment information.

BUREAU EDUCATION POLICIES

SEC. 1133. Within one hundred and eighty days of the date of enactment of this Act, the Secretary shall develop, publish in the Federal Register, and submit to all agency and area offices of the Bureau, all tribal governments, and the appropriate committees of the Congress, a draft set of education policies, procedures, and practices for education-related action of the Bureau. The Secretary shall, within one year of the date of enactment of this Act, provide that such uniform policies, procedures, and practices shall be finalized and promulgated. Thereafter, such policies, procedures, and practices and their periodic revisions, shall serve as the foundation for future Bureau actions in education.

Publication in Federal Register and submittals to Bureau, tribes, and congressional committees. 25USC 2013.

UNIFORM EDUCATION PROCEDURES AND PRACTICES

SEC. 1134. The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.

Report to Congress. 25 USC 2014.

RECRUITMENT OF INDIAN EDUCATORS

SEC. 1135. The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

Policy and plan. 25 USC 2015.

ANNUAL REPORT

SEC. 1136. The Secretary shall submit to each appropriate committee of the Congress a detailed annual report on the state of education within the Bureau and any problems encountered in the field of education during the year. Such report shall contain suggestions for improving the Bureau educational system and increasing local Indian control of such system.

Submittal to confressional committees. 25 USC 2016.

RIGHTS OF INDIAN STUDENTS

SEC. 1137. Within six months of the date of enactment of this Act, the Secretary shall prescribe such rules and regulations as are necessary to insure the constitutional and civil rights of Indian students attending Bureau schools, including, but not limited to, their right to privacy under the laws of the United States, their right to freedom of religion and

Rules and regulations. 25 USC 2017.

expression and their right to due process in connection with disciplinary actions, suspensions, and expulsions.

REGULATIONS

25 USC 2018.

SEC. 1138. Regulations required to be adopted under sections 1126 through 1137 of this Act shall be deemed rules of general applicability prescribed for the administration of an applicable program for the purposes of section 431 of the General Education Provisions Act and shall be promulgated, submitted for congressional review, and take effect in accordance with the provisions of such section.

20 USC 1232.

DEFINITIONS

25 USC 2019.

SEC. 1139. For the purpose of this title—

(1) the term "agency school board" means a body, the members of which are appointed by the school boards of the schools located within such agency, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties;

(2) the term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior;

(3) the term "Commissioner" means the Commissioner of Education;

(4) the term "financial plan" means a plan of services to be provided by each Bureau school;

(5) the term "Indian organization" means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized Indian tribes;

(6) the term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education;

(7) the term "local school board", when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected; and the number

of such members shall be determined by the Secretary in consultation with the affected tribes;

(8) the term "Secretary" means the Secretary of the Interior;

(9) the term "supervisor" means the individual in the position of ultimate authority at a Bureau school; and

(10) the term "tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. 43 USC 1601 note.

PART C—INDIAN EDUCATION PROVISIONS

EXTENSION OF AUTHORIZATION

SEC. 1141. (a) Section 1105(g) of the Elementary and Secondary Education Act of 1965 as redesignated by section 801 of this Act, is amended by striking out "July 1, 1978" and inserting in lieu thereof "October 1, 1983". 20 USC 3385. *Ante*, p. 2284.

(b) Section 303(a)(1) of the Indian Elementary and Secondary School Assistance Act (title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress)) as added by the Indian Education Act, is amended by striking out "October 1, 1978" and inserting in lieu thereof "October 1, 1983". 20 USC 241bb.

(c)(1) Section 422 of the Indian Education Act is amended by striking out "each of the three succeeding fiscal years" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to October 1, 1983". 20 USC 3385a.

(2) Section 423(a) of such Act is amended by striking out "each of the three succeeding fiscal years" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to October 1, 1983". 20 USC 3385b.

(3) Section 442(a) of such Act is amended by striking out "October 1, 1978" and inserting in lieu thereof "October 1, 1983". 20 USC 1221g.

CULTURALLY RELATED ACADEMIC NEEDS

SEC. 1142. (a) Section 302(a) of the Indian Elementary and Secondary School Assistance Act is amended— 20 USC 241aa.

(1) by striking out "special educational needs of Indian students" and inserting in lieu thereof "special educational and culturally related academic needs of Indian students"; and

(2) by striking out "these special educational needs" and inserting in lieu thereof "these special educational or culturally related academic needs, or both".

20 USC 241cc.

(b) Section 304 of such Act is amended by striking out "special educational needs" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "special educational or culturally related academic needs, or both".

DEMONSTRATION PROJECTS

Grants, appropriation authorization.
20 USC 241bb.

SEC. 1143. Section 303 of the Indian Elementary and Secondary School Assistance Act is amended by adding at the end thereof the following new subsection:

"(c) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to make grants on a competitive basis to local educational agencies to support demonstration projects and programs which are designed to plan for and improve education opportunities for Indian children, except that the Commissioner shall reserve a portion not to exceed 25 per centum of such funds to make grants for demonstration projects examining the special educational and culturally related academic needs that arise in school districts with high concentrations of Indian children.".

PARENT COMMITTEES

20 USC 241dd.

SEC. 1144. Section 305(b) of the Indian Elementary and Secondary School Assistance Act is amended—

(1) by inserting "(including persons acting in loco parentis other than school administrators or officials)" after "Indian children" in paragraph (2)(B)(i) and after "children participating in the program" in paragraph (2)(B)(ii);

(2) by inserting, "including policies and procedures relating to the hiring of personnel," after "policies and procedures" in paragraph (2)(C); and

(3) by striking out the period at the end of paragraph (2)(C) and inserting in lieu thereof a semicolon and by adding at the end thereof the following new paragraph:

"(3) provides that the parent committee formed pursuant to paragraph (2)(B)(ii) will adopt and abide by reasonable by-laws for the conduct of the program for which assistance is sought.".

ALLOCATION ADJUSTMENT

20 USC 241ff

SEC. 1145. Section 307(b) of the Indian Elementary and Secondary School Assistance Act is amended to read as follows:

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner may reallot, in such manner as he determines will best assist in advancing the purposes of this title, any amount awarded to a local education agency in excess of the amount to which it is entitled under section 303(a) and subsection (a) of this section, or any amount which the Commissioner determines, based upon estimates made by local educational agencies, will not be needed by any such agency to carry out its approved project.". 20 USC 241bb.

TRIBAL SCHOOLS

SEC. 1146. Notwithstanding any other provision of law, any Indian tribe or organization which is controlled or sanctioned by an Indian tribal government and which operates any school for the children of that tribe shall be deemed to be a local educational agency for purposes of section 303(a) of the Indian Elementary and Secondary School Assistance Act if each such school, as determined by the Commissioner, operated by that tribe or organization provides its students an educational program which meets the standards established under section 1121 for the basic education of Indian children, or is a school operated under contract by that tribe or organization in accordance with the provisions of the Indian Self-Determination and Education Assistance Act. 20 USC 241bb-1. 25 USC 450 note.

DEFINITION STUDY

SEC. 1147. Section 453 of the Indian Education Act is amended by inserting "(a)" immediately after "SEC. 453." and by adding at the end thereof the following new subsection: 20 USC 1121h.

"(b) The Assistant Secretary of Health, Education, and Welfare for Education, in consultation with Indian tribes, national Indian organizations, and the Secretary of the Interior, shall supervise a thorough study and analysis of the definition of Indian contained in subsection (a) and submit a report on the results of such study and analysis to the Congress not later than January 1, 1980. Such study and analysis shall include but not be limited to— Consultation and submittal to Congress.

"(1) an identification of the total number of Indian children being served under this title;

"(2) an identification of the number of Indian children eligible and served under each of the four clauses of such definition in such subsection;

"(3) an evaluation of the consequences of eliminating descendants in the second degree from the terms of such definition, or of specifying a final date by which tribes, bands, and groups must be recognized, or of both;

"(4) other options for changes in the terms of such definition and an evaluation of the consequences of such changes, together with supporting data;

"(5) recommendations with respect to criteria for use by the Commissioner under the rulemaking authority contained in clause (4) of such subsection.".

DATA COLLECTION

20 USC 1221h.

SEC. 1148. Section 453 of the Indian Education Act is amended by inserting after subsection (b), as added by section 1147:

"(c) In establishing a child's eligibility for entitlement under part A of this Act, the Commissioner shall request at least the following information on the student eligibility form:

"(1) the name of the tribe, band, or other organized group of Indians with which the applicant claims membership, along with the enrollment number establishing membership (where applicable), and the name and address of the organization which has updated and accurate membership data for such tribe, band, or other organized group of Indians; or, if the child is not a member of a tribe, band, or other organized group of Indians, the student eligibility form shall bear the name, the enrollment number (where applicable) and the organization (and address thereof) responsible for maintaining updated and accurate membership roles of any of the applicant's parents or grandparents, from whom the applicant claims eligibility;

"(2) whether the tribe, band, or other organized group of Indians with which the applicant, his parents, or grandparents claim membership are federally recognized;

"(3) the name and address of the parent or legal guardian;

"(4) the signature of the parent or legal guardian verifying the accuracy of the information supplied; and

"(5) any other information which the Secretary deems necessary to provide an accurate program profile.".

PROGRAM MONITORING

SEC. 1149. (a) The Commissioner shall establish a method of auditing on an annual basis a sample of not less than one-third of the total number of school districts receiving funds under part A of the Indian Education Act, and shall report to the Congress his findings. Annual audit, report to Congress. 20 USC 241aa note.

(b) Any falsification of information provided on the local educational agency application for funds under part A of such Act is punishable by impoundment of unused funds and an ineligibility for receiving any future entitlement under such Act. Information falsification.

(c) Any falsification of information provided on the student eligibility form for funds under part A of such Act is punishable by making that individual ineligible for receiving any future entitlement under such Act.

AMENDMENTS TO TITLE X OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 1150. (a) Section 1005(c)(1)(E) of the Elementary and Secondary Education Act of 1965, as redesignated by section 801 of this Act, is amended by inserting "and gifted and talented Indian children" after "handicapped". 20 USC 3385. *Ante*, p. 2284.

(b)(1) Section 1005(c)(1)(F) of the Elementary and Secondary Education Act of 1965, as redesignated by section 801 of this Act, is amended to read as follows: 20 USC 3385. *Ante*, p. 2284.

"(F) early childhood programs, including kindergarten;".

(2)(A) Section 1005(d) of the Elementary and Secondary Education Act of 1965, as redesignated by section 801 of this Act, is amended—

(i) by striking out "children" in paragraphs (1) and (2) of such section and by inserting in lieu thereof "students" each time it appears; and

(ii) by inserting after "teachers" a comma and the following: "administrators".

(B) The section heading of section 1005 of the Elementary and Secondary Education Act of 1965, as redesignated by section 801 of this Act, is amended to read as follows:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN STUDENTS"

(c)(1) Section 1005(e) of the Elementary and Secondary Education Act of 1965, as redesignated by section 801 of this Act, is amended as follows:

"(e)(1) The Commissioner is also authorized to make grants to and contracts with public agencies, State educational agencies in States in which more than five thousand Indian children are enrolled in public elementary and secondary schools, Indian tribes, Indian institutions, Indian Regional information centers, establishment, grants and contracts.

organizations, or to make contracts with private institutions and organizations, to establish, on a regional basis, information centers to—

20 USC 241aa note.
20 USC 1211a.

"(A) evaluate programs assisted under this part, under the Indian Elementary and Secondary School Assistance Act, under section 314 of the Adult Education Act, and other Indian education programs in order to determine their effectiveness in meeting the special educational and cultural related academic needs of Indian children and to conduct research to determine those needs;

"(B) provide technical assistance upon request to local educational agencies and Indian tribes, Indian organizations, Indian institutions, and parent committees created pursuant to section 305(b)(2)(B)(ii) of the Indian Elementary and Secondary School Assistance Act in evaluating and carrying out programs assisted under this part, under such Act, and under section 314 of the Adult Education Act through the provision of materials and personnel resources; and

20 USC 241bb.

"(C) disseminate information upon request to the parties described in subparagraph (B) concerning all Federal education programs which affect the education of Indian children including information on successful models and programs designed to meet the special educational needs of Indian children.

"(2) Grants or contracts made pursuant to this subsection may be made for a term not to exceed three years (renewable at the end of that period subject to the approval of the Commissioner) provided that provision is made to insure annual review of the projects.".

(2) Section 1005(b) of such Act, as redesignated by section 801 of this Act, is amended by striking out "Indian tribes, organizations, and institutions" and inserting in lieu thereof "Indian tribes, Indian organizations, and Indian institutions".

20 USC 3385.
Ante, p. 2284.

(d) Section 1005(f) of the Elementary and Secondary Education Act of 1965, as redesignated by section 801 of this Act, is amended by inserting "(1)" after "(f)", by redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D) respectively, and by adding at the end thereof the following:

"(2) The Commissioner shall not approve an application for a grant under subsection (e) of this section unless he is satisfied that the funds made available under that subsection will be so used as to supplement the level of funds from State, local, and other Federal sources that would, in the absence of Federal funds under this subsection, be made available by the State or local educational agency for the

activities described in this subsection, and in no case will be used so as to supplant those funds.".

(e) Section 1005(g) of the Elementary and Secondary Eduction Act of 1965, as redesignated by section 801 of this Act, is amended by inserting "(1)" after "(g)" and by adding at the end thereof the following:

"(2) For the purpose of making grants under subsection (e) of this section there are hereby authorized to be appropriated $8,000,000 for each of the fiscal years ending prior to October 1, 1983. The sum of the grants made to State educational agencies under subsection (e) of this section shall not exceed 15 per centum in any fiscal year of the sums appropriated for that year.". Appropriation authorization.

(f) Section 306(a) of the Indian Elementary and Secondary School Assistance Act is amended by inserting "estimated to be" after "equal to the amount". 20 USC 241ee.

DEFINITION OF INDIAN

SEC. 1151. Section 453(1) of the Indian Education Act is amended by striking out "now or in the future". 20 USC 1221h.

TEACHER TRAINING AND FELLOWSHIPS

SEC. 1152. (a) The first sentence of section 422(a) of the Indian Education Act is amended by striking out "children" and inserting in lieu thereof "people". 20 USC 3385a.

(b) Section 423(a) of the Indian Education Act is amended— 20 USC 3385b.

(1) by striking out "less than three, nor"; and

(2) by striking out "professional or graduate degree in engineering, medicine, law, business, forestry, and related field" and inserting in lieu thereof "post-baccalaureate degree in medicine, law, education, and related fields or leading to an undergradute or graduate degree in engineering, business administration, natural resources, and related fields.".

* * * * * * *

APPENDIX C

COMMITTEE MEMBERS TO AUGUST 1979

Executive Committee
Ms. Viola G. Peterson (Miami)
Mr. Calvin Isaac (Choctaw)
Mr. Earl Oxendine (Lumbee)
Ms. Donna Rhodes (Creek)
Ms. Patricia McGee (Yavapai)

Government Interagency Study Task Force
Dr. Lionel Bordeaux (Sioux)
Mr. Fred Bigjim (Eskimo)
Mr. Wesley Bonito (Apache)
Dr. Paul Platero (Navajo)
Mr. Thomas A. Thompson (Blackfeet)
Mr. David Risling (Hoopa)

Technical Assistance, Research, and Evaluation Task Force
Ms. Donna Rhodes (Creek)
Mr. Theodore George (Clallum)
Mr. Thomas A. Thompson (Blackfeet)
Ms. Maxine Edmo (Shoshone-Bannock)
Ms. Ellen Allen (Kickapoo)
Mr. David Risling (Hoopa)

Legislative, Rules, and Regulations Committee
Mr. David Risling (Hoopa)
Mr. Wesley Bonito (Apache)
Mr. Theodore George (Clallum)
Mr. Earl Oxendine (Lumbee)
Ms. Minerva White (Mohawk)

Proposal Review Task Force
Mr. Calvin Isaac (Choctaw)
Ms. Lionel Bordeaux (Sioux)
Dr. Maxine Edmo (Shoshone-Bannock)
Ms. Ellen Allen (Kickapoo)
Ms. Viola Peterson (Miami)
Dr. Paul Platero (Navajo)
Ms. Donna Rhodes (Creek)
Mr. Wesley Bonito (Apache)

Annual Report Task Force
Ms. Patricia McGee (Yavapai)
Ms. Minerva White (Mohawk)
Mr. Fred Bigjim (Eskimo)
Dr. Paul Platero (Navajo)

Executive Committee
Dr. Robert J. Swan (Chippewa-Cree)
Mr. John Rouillard (Sioux)
Ms. Maxine Edmo (Shoshone-Bannock)
Mr. Wayne Newell (Passamaquoddy)
Mr. Thomas A. Thompson (Blackfeet)

Governmental Programs Study Committee
Ms. Viola G. Peterson (Miami)
Mr. Wesley Bonito (Apache)
Ms. Joy Hanley (Navajo)
Mr. Wayne Newell (Passamaquoddy)
Ms. Ruby Ludwig (Cherokee)
Mr. John Rouillard (Sioux)

COMMITTEE MEMBERS AFTER AUGUST 1979

Technical Assistance, Research, and Evaluation Committee
Mr. Thomas A. Thompson (Blackfeet)
Dr. Robert Swan (Chippewa-Cree)
Ms. Violet Rau (Yakima)
Ms. Patricia McGee (Yavapai)
Ms. Maxine Edmo (Shoshone-Bannock)
Mr. Earl Oxendine (Lumbee)

Legislative, Rules, and Regulations Committee
Mr. John Rouillard (Sioux)
Ms. Ruby Ludwig (Cherokee)
Mr. Earl Oxendine (Lumbee)
Ms. Maxine Edmo (Shoshone-Bannock)
Ms. Minerva White (Mohawk)
Dr. Lionel Bordeaux (Sioux)

Annual Report Committee
Ms. Patricia McGee (Yavapai)
Ms. Joy Hanley (Navajo)
Ms. Minerva White (Mohawk)
Ms. Violet Rau (Yakima)

Proposal Review Committee
All Council Members

APPENDIX D

In March of 1977, the President, Office of Management and Budget, and the Secretary of the Department of Health, Education, and Welfare issued a memorandum and instructions concerning the annual comprehensive review of advisory committees.

> "The President instructed that all committees were to be recommended for continuation only if a compelling need could be demonstrated, if the committee conducted its business openly, and if a balanced membership on the committee were in fact the case. OMB's Circular A-63 further instructed that the evaluation of each committee must determine whether the committee was carrying out its functions, whether the functions could be revised, whether it could be merged with other groups, or lastly, whether the committee should be terminated. In addition, the review this year offered the citizenry opportunity to comment on the future of each committee according to the established criteria. Unlike many of HEW's advisory committees, OE's committees do not by law review grant applications. The single exception is the National Advisory Council on Indian Education."

The following is an extract of the OE's evaluation of the National Advisory Council on Indian Education. The Department recommended that the National Advisory Council on Indian Education be continued unchanged and stated:

> "The National Advisory Council on Indian Education (Tab N) is unique among OE's groups, in that it is the only grant-reviewing committee, making recommendations to the Deputy Commissioner for Indian Education, who is the final awarding official. The Council also has an unusual legislated responsibility to select the slate of candidates for the position of Deputy Commissioner for Indian Education, from which the Commissioner makes a selection. Another unique characteristic of the Council is that it is entirely composed of a minority population—Indians—as required by law. The members of the council represent tribes from across the entire country, including Alaska, urban and rural Indians, reservation and nonreservation Indians. Public participation in the Council meetings is outstanding, since the Council normally reserves up to one full day of its meetings for public presentations. Following the practice of varying its meeting locations in all geographic areas with

significant Indian populations, opportunities otherwise not available have been afforded to Indian community members to give their views on education for Indian children and adults.

"The recommendations of the Council have reflected the needs and desires of local Indian communities in education. Their recommendations have been incorporated into our regulations, program priorities, budget requests and the general administration of the Indian Education Act.

"In view of the special historical relationship between the Indian tribes and the Federal Government and in accordance with the proposed Bureau-related structure and the established criteria, I recommend that the National Advisory Council on Indian Education be continued."

The review of advisory councils and recommendations from the OE were forwarded to the Department of Health, Education, and Welfare and its recommendation concurred wih the OE to continue the National Advisory Council on Indian Education intact. The Department of Health, Education, and Welfare's recommendation is as follows:

"Likewise, the National Advisory Council on Indian Education is unique among OE's groups, in that it is the only grant-reviewing committee, making recommendations to the Deputy Commissioner for Indian Education, who is the final awarding official. The Council also has an unusual legislated responsibility to select the slate of candidates for the position of Deputy Commissioner for Indian Education, from which the Commissioner makes a selection. Another unique characteristic of the Council is that it is required by law. The members of the council represent tribes from across the entire country, including Alaska, urban and rural Indians, reservation and nonreservation Indians."

APPENDIX E

PUBLIC LAW 96-88—OCT. 17, 1979

DEPARTMENT OF EDUCATION ORGANIZATION ACT

* * * * * * *

REORGANIZATION

20 USC 3473.

SEC. 413. (a) The Secretary is authorized, subject to the requirements of section 202(f), to allocate or reallocate functions among the officers of the Department, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate, but the authority of the Secretary under this subsection does not extend to—

(1) any office, bureau, unit, or other entity transferred to the Department and established by statute or any function vested by statute in such an entity or officer of such an entity, except as provided in subsection (b);

(2) the abolition of organizational entities established by this Act; or

(3) the alteration of the delegation of functions to any specific organizational entity required by this Act.

(b)(1) The Secretary may, in accordance with paragraph (2) of this subsection, consolidate, alter, or discontinue any of the following statutory entities, or reallocate any functions vested by statute in the following statutory entities:

(A) the Office of Bilingual Education;

(B) the Teacher Corps;

(C) the Community College Unit;

(D) the National Center for Education Statistics;

(E) the National Center for Education Statistics;

(F) the Office of Environmental Education;

(G) the Office of Consumers' Education;

(H) the Office of Libraries and Learning Resources;

(I) the Office of Indian Education;

(J) the Office of Career Education;

(K) the Office of Non-Public Education;

(L) the bureau for the education and training for the handicapped;

(M) the Institute of Museum Services; and

(N) the administrative units for guidance and counseling programs, the veterans' costs of instruction program, and the program for the gifted and talented children.

(2) The Secretary may alter, consolidate, or discontinue any organizational entity continued within the Department and described in paragraph (1) of this subsection or reallocate any function vested by statute in such an entity, upon the expiration of a period of ninety days after the receipt by the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives of notice given by the Secretary containing a full and complete statement of the action proposed to be taken pursuant to this subsection and the facts and circumstances relied upon in support of such proposed action.

Congressional committees, notice.

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APPENDIX F

A "WORKING PAPER" PREPARED FOR THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

A LEGAL POSITION PAPER ON INDIAN EDUCATION

Prepared by Dr. Kurt Blue Dog, The Native American Rights Fund, 1506 Broadway, Boulder, Colorado 80302, July 10, 1979.

NATIVE AMERICAN RIGHTS FUND

Memorandum
To: Dr. Michael Doss, Director,
National Advisory Council on Indian Education
From: Kurt Blue Dog, Don Kittson,
Native American Rights Fund
Re: Legal Position Paper on Indian Education
Date: 10 July 1979

I. HISTORICAL BASIS FOR THE FEDERAL TRUST RESPONSIBILITY TO INDIAN EDUCATION

A. Introduction

Throughout the historical relationship between American Indian peoples and non-Indians, one of the primary objectives of the non-Indians has continually been the education of the American Indian. Methods of attempting to accomplish this objective have been diverse and everchanging, ranging from the disciplinary approaches used by early missionaries to civilize and Christianize the Indian, to the use of educational provisions in treaties in exchange for the ceding of Indian lands, to the termination of certain Indian student benefits, and finally to the current era where such an emphasis has been placed on allowing the Indian to dictate his own future, both educationally and otherwise. The historical involvement of the Federal Government in the education of the American Indian, however, has always carried with it one clear and consistent underlying theme: the Federal Government has both explicitly and implicitly acknowledged that there is a Federal responsibility to Indian education. This responsibility to Indian education is as important to the contemporary Indian as it was to his ancestors. The continued acknowledgement of the Federal responsibility to Indian education will provide the foundation of the Indian society as it moves forward to meet and accept new challenges.

This paper will demonstrate that as with the Federal trust responsibility in general, the Federal trust responsibility to Indian education has taken many different forms in its historical development. Treaties between the United States Government and Indian tribes which provided educational benefits, educational statutory enactments which specifically and implicitly include Indians, the promulgation of regulations concerned with Indian education,

and the actions of individuals in a position to influence practical manifestations of Indian education policy have all contributed substantively to the historical development of the Federal trust responsibility. The following discussion will address each of these influences more specifically and attempt to define the role of each influence in this historical development.

B. The Treaty Period: An Exchange of Indian Lands for Many Promises, including Education.

The first formal agreement that the United States Government would provide education assistance to an Indian tribe occurred in 1794, when the U.S. signed a treaty with the Oneida, Tuscarora, and Stockbridge Indians. Treaty of December 2, 1794, 7 Stat. 47, 48. Article III of the treaty provided for the employment of one or two persons to, among other things, ". . . instruct some young men of the three nations in the arts of the miller and the sawyer." 7 Stat. 47, 48. Subsequent treaties with various Indian tribes consistently carried educational provisions. For example, Article III of the 1803 Treaty with the Kankaskia Indians provided that the United States would give annually for seven years one hundred dollars ($100) toward supporting a priest who would perform the duties of his office and also ". . . instruct as many of their children as possible in the rudiments of literature." Treaty of August 13, 1803, 7 Stat. 78, 79. Other treaty provisions provided for technical education in agriculture and the mechanical arts, support of reservation schools, boarding schools, or schools and teachers generally, and contributions for educational purposes. Felix S. Cohen, *Handbook of Federal Indian Law*, 239, nn. 23-27 (1941).

The provisions for educating the Indians were generally included in the treaties in exchange for Indian lands. The obvious difference between the early missionaries and religious groups, and the Federal Government was that the missionaries had ambitions of civilizing and Christianizing the Indians, whereas the Federal Government thought more of civilizing the Indians in terms of the value of possessing Indian lands. S.Rep. No. 91-501, 91st Cong., 1st Sess. 11 (1969). The aim was to convert Indians from hunters into farmers, whereby the Indians would require less land and be easier to contain. This would mean more lands for non-Indian settlers. Education was seen as the means of accomplishing the conversion. S.Rep. No. 91-501, *supra* at 11.

From this fundamental approach to handling the "Indian problem" sprang a policy of "education by assimilation." The attempt to make an Indian settle down on a piece of limited acreage combined with altruistic and economic objectives of "converting the heathen" and "civilizing the savage" to give impetus to the move to educate the Indian. The Report of the Senate Special Subcommittee on Indian Education states, "Education was the means whereby we emancipated the Indian child from his home, his parents, his extended family and his cultural heritage. It was in effect an attempt to wash the 'savage habits' and 'tribal ethic' out of a child mind and substitute a white middle-class value system in place." S. Rep. No. 91-501, *supra* at 9.

The treaty period ended in 1871. Act of March 3, 1871, 16 Stat. 544, 566. It provided the framework for future relationships between the United

States and Indians in which the Federal responsibility to educate Indians became more apparent from a collective perspective.

C. Legislation During and After the Treaty Period Reflecting the Acknowledgement of a Federal Responsibility to Indian Education.

Congress first acknowledged the Federal responsibility to Indian education in the Act of March 30, 1802, 2 Stat. 139. A sum of money not to exceed $15,000 was appropriated. This appropriation was to be used to "promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship. . . ." Act of March 30, 1802, *supra* at 134. Civilization usually meant educating the Indians in the ways of the non-Indian lifestyle.

Manifestations of the Federal responsibility to Indian education remained fairly stagnant until 1817, when President Monroe voiced a call for additional efforts to preserve, improve and civilize the original inhabitants. Cohen, *supra* at 239, n.29. Congress responded to President Monroe's call by passage of the Act of March 3, 1819, 3 Stat. 516. This Act has served as the basis for most Indian educational programs. It has been codified as 25 U.S.C. § 271 (1970), and reads:

> The President may, in every case where he shall judge improvement in the habits and conditions of such Indians practicable, and that the means of instruction can be introduced with their own consent, *employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic,* and performing such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties. A report of the proceedings adopted in the execution of this provision shall be annually laid before Congress.

The Act of 1819 also carried with it a permanent annual appropriation of $10,000 for the above purpose.[1] This Act was the first Federal acknowledgement of a permanent Federal responsibility to Indian education and supplied a foundation for future Federal involvement in this area. The Act sought to attain the objective of preserving the Indian nations, by civilizing the Indians and converting them from hunters to agriculturalists. However, it did not grant the Federal Government any power of compulsion for purposes of education; the consent of the tribe concerned was required for implementation of the Act.

The importance with which Congress viewed the Federal responsibility to Indian education became evident once again in 1832 when the office of the Commissioner of Indian Affairs was created. Act of July 9, 1832, 4 Stat. 564. The Commissioner, under the direction of the Secretary of the Interior, was charged with the management of all Indian affairs, including education.

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[1] This permanent appropriation was repealed in the Act of February 14, 1873, 17 Stat. 437, 461. It appears that the Federal Government began to appropriate to tribes on an individual needs system insofar as education is concerned. For example, the 1873 Act provided for such expenditures as the President may determine is necessary ". . . in instructing in agricultural and mechanical pursuits, in providing employees, educating children . . ." for a number of different tribes including the Gros Ventres, Mandans, Assinaboines, Cheyennes, and Blackfeet. 17 Stat. 440 (1873). Cohen notes that the pre-1873 permanent annual appropriation had become known as the "civilization" fund. Cohen, *supra* at 240, n.31.

Early Commissioners took a rather negative attitude toward Indians, viewing them as ". . . barbarous and heathen people 'wedded to savage habits, customs, and prejudices', and thus their educational policies revolved around controlling the Indian through coercive assimilation." S.Rep. No. 91-501, *supra* at 11. The result was a program of manual training in agriculture and the mechanic arts, and by 1838 the Federal Government was operating 16 manual schools with eight hundred (800) students and eighty-seven (87) boarding schools with approximately 2,900 students. Thus, the Federal policy of educating the Indian as a method of civilizing him was being realized at this time through manual and boarding schools.

Subsequent legislation augmented the Federal responsibility to Indian education. The Act of July 31, 1882, 22 Stat. 181, provided that the Secretary of the Army could turn over abandoned military posts to the Secretary of the Interior, so that they might be used in the education of Indian youth. In 1882 Congress also made an appropriation of $68,000 for an Indian industrial school at Carlisle, Pennsylvania, and a further appropriation of $150,000 for the support of industrial schools and other educational purposes to benefit the Indian. Act of May 17, 1882, 22 Stat. 68, 85. Carlisle was joined by other off-reservation industrial boarding schools such as Chemawa (1880), Albuquerque (1884), Santa Fe (1890), Pierre (1891) and Flandreau (1893). Margaret Szasz, *Education and the American Indian* 10 (1974). By 1900, twenty-five off-reservation industrial boarding schools had opened. The educated Indian youth of this period returning home ". . . became the first victims of the 'either/or' policy of assimilation. Their education forced them to choose either the culture of the white man or the culture of the Indian; there was no compromise." Szasz, *supra* at 10.

The Federal policy of educating the Indian also has a direct connection with the General Allotment Act of 1887, 24 Stat. 388. The G.A.A., or the Dawes Act as it is popularly known, gave land allotments to individual Indians with the intentions of breaking up the tribal structure and allowing Indians an opportunity for a more "civilized" life. The land policy espoused in the Dawes Act was directly related to the Indian education policy because the proceeds from the destruction of the Indian's land base were to be used to pay the costs of taking Indian children from their homes and placing them in Federal boarding schools. Thus, the individual Indian ostensibly would require less land to survive, and his children would be educated away from home, where acceptance of the non-Indian ways would be easier. The education policy "was designed to separate a child from his reservation and family, strip him of his tribal lore and mores, force the complete abandonment of his native language, and prepare him for never again returning to his people." S.Rep. 91-501, *supra* at 12.

The attitude of the Federal Government toward Indians and the education of Indian youth during the late 1800s and early 1900s is best characterized as an attitude of forced assimilation and forced education. Indians resisted the Federal policies by refusing to send their children to school. Under the guise of a Federal responsibility to educate the Indian, an attempt toward compulsory attendance of Indian children at school was made by authorizing the Secretary of the Interior to "withhold rations, clothing

and other annuities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of each year." Act of March 3, 1893, 27 Stat. 612, 635. This Act is codified as 25 U.S.C. § 283 (1970). A subsequent statute in 1920 further empowered the Secretary of the Interior with the authority to make and enforce such rules and regulations as he deemed necessary to compel the attendance of eligible Indian children in both B.I.A. and state public schools. 25 U.S.C. § 282 (1963).

If there was any doubt as to the intentions of the Federal Government to educate its red-skinned wards, these authorizations of power to the Secretary washed away those doubts. The coerced education and assimilation of the American Indian was in full swing.

However, Congress also provided some protection for Indian children by passage of legislation in 1844 which provided that no Indian child shall be removed "from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent" of either the parents of the child or the next of kin. 25 U.S.C. § 286 (1963). Further protection of the Indian child was provided in the Act of June 10, 1896, 25 U.S.C. § 287 (1963), which said that no Indian child could be taken from any school in a State or Territory without the written consent of the parents or against the child's will.

A summary analysis of latter 19th century and early 20th century Indian education legislation leaves a number of conclusions to be drawn: (1) the education of the Indian was being accorded special consideration; (2) the allotment policy dictated a follow-up approach of civilizing the Indian through education; and (3) manifestations of the Federal responsibility to Indian education was being evidenced through both beneficial and detrimental legislation, which suggested that the Federal Government for better or for worse fully intended to take the responsibility for educating the Indian.

During this same period, there were four major forms of Indian education: (1) off-reservation industrial boarding schools (inended to take the Indian child far away from his home and native environment); (2) reservation boarding or day schools (less expensive and more acceptable to parents than off-reservation boarding schools); (3) public schools (usually occurring first on allotted reservations because the white settlers wanted education for their children, and viewed as the best solution to the problems of Indian education by the promoters of assimilation); and, (4) mission schools (which educated a consistently small percentage of Indian children). Szasz, *Education and the American Indian* 10, 11 (1974). Despite viable alternatives, the Federal Government during the assimilation period continued to emphasize the removal of Indian youth from their native environment to an educational institution some distance from any reservation.

Another cornerstone in the Federal trust responsibility to Indian education was laid with passage of the Snyder Act of 1921, 25 U.S.C. § 13 (Cum. Supp. 1978). This Act provided, "The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the

benefit, care, and assistance of the Indians throughout the United States for the following purposes:

"General support and civilization including education."

The Snyder Act thus empowers the BIA with the authority to expend and establish such educational programs as benefit Indians. Further, assistance programs established under this section are for the special benefit of Indians and Indian communities, and the Courts have continually held that this section must be liberally construed in their favor. *Fox v. Morton*, 505 F.2d 254 (9th Cir. 1974); *Ruiz v. Morton*, 462 F.2d 818 (9th Cir. 1972), *aff'd.* 415 U.S. 199 (1974). This Act has lead to the establishment of many of the BIA educational programs which provide benefits to Indians.

The failings of the Federal Government in its responsibility to Indian education were spelled out in the Meriam Report of 1928, published as *The Problem of Indian Administration*. The Meriam Report, prepared by the Brookings Institution, made two major findings: (1) Indians were excluded from management of their own affairs, and (2) Indians were receiving a poor quality of services (especially health and education) from public officials who were supposed to be serving their needs. (Meriam Report, *The Problem of Indian Administration* 9 1928).

The Meriam Report was highly critical of boarding schools, because of their inadequate facilities and the manner in which they were operated. The Report also stressed the need for a relevant instructional curriculum adapted to individual needs and backgrounds of the students. It questioned the lack of participation by Indians in deciding the direction of their schools, and advocated strengthening the Indian family and social structure, and obtaining teachers in Indian schools with high qualifications. The Report noted that "the most fundamental need in Indian education is a change in point of view." (Meriam Report, *The Problem of Indian Administration* 346 1928).

The impact of the Meriam Report was substantial, resulting in several new actions on the part of the Federal Government. The allotment period was ended in 1934 by the Indian Reorganization Act, 25 U.S.C. § 476 (1963), which also provided a method whereby tribal governments could be more autonomous. The new Commissioner of Indian Affairs, John Collier, started programs in bilingual education, adult basic education, training of Indian teachers, Indian culture, and in-service teacher training. S.Rep. No. 91-501, *supra* at 13. Collier also closed down numerous boarding schools and replaced them with day schools, which resulted in attendance of two-thirds of the Indian children in day schools by 1943. Collier's approach emphasized education of the Indian in an atmosphere conducive to a positive attitude by Indian students toward Anglo-Saxon education, and underscored the necessity of the Federal Government following the Indian lead in Indian education.

The Johnson-O'Malley Act (JOM) was also passed in 1934. 25 U.S.C. §§ 452-56 (1963). Prior to the Citizenship Act of 1924, 8 U.S.C. § 1401(a)(2)(1963), most Indians were not citizens and did not possess the right to attend state supported public schools. The education of Indians was the sole responsibility of the Federal Government. However, after passage of the Citizenship Act many Indian children began attending state public

schools. This created a financial burden on state school systems, since they are financed largely from local property taxes and most Indian land is held in trust by the Federal Government and therefore not subject to local taxation. As a result of this situation, and as an inducement for the states to accept Indian children into the state public school systems, federal financial assistance to the state had begun in the late 1800s. JOM was therefore a comprehensive culmination of a federal assistance policy designed to get Indian children into state public schools, while not shirking the federal responsibility to Indian education.

JOM originally empowered the Secretary of the Interior with the authority to enter into contracts with any state or territory ". . . for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians . . . " within that particular state or territory. 48 Stat. 596 (1934). The Secretary was also authorized to expend such monies as he saw fit in the fulfillment of the purposes mentioned, and to establish minimum standards of services not less than the highest standards maintained by the state or territory. The number of entities eligible to contract with the Secretary of the Interior to provide for implementation of JOM was subsequently increased to include various private as well as state entities. 49 Stat. 1458 (1936).

JOM funds have proven to be a tremendous financial boost to state public school districts. For example, in the twenty-five year period from 1949-1969, approximately $130,000,000 in appropriations were made by Congress for payments to states under JOM. S.Rep. No. 91-501, *supra* at 47. There is no indication at this time that such Federal funds to provide for Indian education will cease in the future.

Two key features of JOM must be mentioned briefly. First, JOM was passed exclusively for Indians. Benefits accruing to Indians were the primary objectives of JOM. This fact in and of itself is indicative of the special consideration accorded Indian education by the Federal Government. Second, JOM confers broad authority in the Secretary of the Interior and his agent, the B.I.A. JOM contracts have traditionally been limited to execution with states and confined to education. However, the scope of the statute is much broader, and apparently authorizes contracts covering almost every activity beneficial to Indians. Further, contracts may be negotiated with any responsible public or private agency, including tribally sponsored organizations. Despite the broad scope of JOM, it has been narrowly utilized for the most part, to the exclusion of other possible health and welfare uses. The broadness of the statute in terms of applicability and potential contracting agencies indicates the intent of the Federal Government to make available to Indians a diversity of educational opportunities not available in a standard state public school system.

There was a reversal of Federal policy toward Indian education during the termination period. The old policy of coercive assimilation returned, and "the goals were to get rid of Indians and Indian trust land by terminating Federal recognition and services, and relocating Indians into cities off the reservation—a policy viewed as a major catastrophe by the Indians." S.Rep. No. 91-501, *supra* at 14. Indian education suffered because the B.I.A. closed down all Federal schools in Idaho, Michigan, Washington and

Wisconsin. Indian students were transferred to public schools and loans to Indian students under the Indian Reorganization Act were discontinued. S.Rep. No. 91-501, *supra* at 14. The policy of educating Indian children far from their homes continued. The avowed objctive of terminating all Federal services to Indians, including education, appeared headed toward realization until the 1960s, when the Commission of Rights, Liberties, and Responsibilities published a study which focused on the injustices of the termination policy, the manner in which the B.I.A. administered services to the Indians, and the inadequacy of services provided to the Indians. This study will be further addressed later in this paper.

The Federal Government had also seen fit to include Indians within the "impacted areas" legislation of the 1950s. This legislation refers to the Federally Impacted Areas Act of 1950 (F.I.A.A.), 20 U.S.C. §§ 236-41-1 (1963), and the School Facilities Construction Act of 1950 (S.F.C.A.), 20 U.S.C. §§ 631-47 (1963). P.L. 81-874, as F.I.A.A. is popularly referred to, was designed to assure that a federal connection, such as living on tax-exempt land, did not cause any financial burden to local school districts. P.L. 81-874 authorized federal payments to local school districts to help defray general operating expenses.

Indians would be affected by the criteria of P.L. 81-874 because many live on Indian land which enjoy the status of being tax-exempt lands.

Section 6 of the General Allotment Act of 1887, 25 Stat. 388, states that when the Secretary of the Interior is satisfied that any Indian allottee is competent and capable of managing his own affairs, then the Indian allottee may be issued a patent in fee simple. "Thereafter, all restrictions as to sale, encumbrance, or taxation of the land shall be removed . . . " The Supreme Court in *Squire v. Capoeman*, 351 U.S. 1, 8 (1955), held Section 6 of G.A.A. to indicate " . . . a congressional intent to subject an Indian allotment to all taxes only after a patent in fee is issued to the allotted. This, in turn, implies that until such time as the patent is issued, the allotment shall be free from all taxes, both those in being and those which might in the future be enacted."

Section 5 of the Indian Reorganization Act of 1934, 48 Stat. 985, also exempts lands acquired by the United States in trust for Indian tribes from state and local taxation. Further, a Solicitor's opinion has ruled that an Indian tribe, whether incorporated or unincorporated, is entitled to the same degree of exemption from state taxation as may be claimed by any other federal instrumentality. (Solicitor's Opinion M-27810, 1934).

In addition, the IRS has said that Indian tribes are not a taxable entity and general federal taxation laws do not apply to them because of the quasi-sovereign status which is accorded Indian tribes. Rev. Rul. 67-284, 167-2 Cum. Bull. 55. This ruling also provided generally for an exemption where the land is held in trust by the United States Government.

The basis of the decisions in *U.S. v. Rickert*, 188 U.S. 432 (1902), and *Dewey County, S.C. v. U.S.*, 26 F.2d 434 (8th Cir. 1928), was stated in *Warren Trading Post v. Arizona State Tax Commissioner*, 380 U.S. 685, 691 (1965), when the Court said, "And since federal legislation has left the state with no duties or responsibilities respecting the reservation Indians, we cannot believe that Congress intended to leave to the state the privilege of levy-

ing this tax." Thus, Indian lands held in trust by the U.S. Government have enjoyed exemption from taxation.

Indian children eligible for educational services under an agreement, grant or contract with the U.S. Government were originally specifically excluded from coverage under P.L. 81-874. 64 Stat. 1108 (1950). The net effect was to prevent P.L. 81-874 funds from going to school districts getting funds under JOM. However, the restriction was removed in 1958 pursuant to the special considerations given to Indian education and today the law allows payments under both JOM and impacted areas programs.[2] 20 U.S.C. § 243(d) (1963). Thus, school districts which provide education for children residing on federal property, including Indian land, are eligible for aid under P.L. 81-874 and 81-815.

P.L. 81-815, as S.F.C.A. is generally known, provides federal aid for building and construction costs. The original intent of P.L. 81-815 was to aid local educational agencies in building urgently needed minimum school facilities in school districts which had experienced substantial increase in school membership as a result of new or increased Federal activities. 20 U.S.C. § 231 (1963). Difficulties arose when school districts containing Indian children could not show any substantial increase in their federally caused enrollment because the Indian children had always been there.

P.L. 81-815 was amended in 1953 and again in 1967 to permit federal aid for building and construction costs to local educational agencies providing free public education for children who reside on Indian lands where: (1) the total number of such children represents a substantial percentage of children for whom the agency provides free education, or (2) where the immunity of Indian lands to local taxation has created a substantial and continuing impairment of the ability of the local educational agency to finance needed school facilities. 20 U.S.C. § 644(a), (b)(1970). The Commissioner generally has wide discretion in arranging federal aid to local school districts containing Indian children, and he may waive the substantial percentage requirement "whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this section." 20 U.S.C. § 644(b)(1970).

These two acts are an indication of the special treatment accorded Indian education, when both acts were amended to include Indian children enrollment where their exclusion had been specifically provided for. Because of the actions taken to bring Indian children within the purview of P.L. 81-815 and P.L. 81-874, it is obvious that the Federal Government was mindful of a Federal responsibility to Indian education, and once again attempted to comply with that responsibility.

The post-termination period brought with it a new attitude toward Indian education. The study of the Commission on Rights, Liberties and Responsibilities, referred to earlier, had advocated reorganization of the B.I.A.'s education program and increased Indian involvement in determin-

[2] JOM was amended in 1975 to require that the prospective contractor submit to the Secretary of the Interior an educational plan containing educational objectives which: (1) addresses the educational needs of the Indian students who are to benefit from the contract, and (2) assures that the contract is capable of meeting such objectives. 25 U.S.C. § 455 (Cum. Supp. 1978).

ing programs affecting Indians. S.Rep. No. 91-501, *supra* at 15. The Federal Government took note of the Commission's recommendations, and Indians were eventually included in the Elementary and Secondary Education Act of 1965, 79 Stat. 27 (1965). E.S.E.A. provided funds for improving the education of disadvantaged children. Indians in Federal schools were involved in Title I of the Act (innovative programs for disadvantaged children) in 1966, and in fiscal year 1969 approximately $9,000,000 was appropriated specifically for Indians in Federal schools. S.Rep. No. 91-501, *supra* at 16. Indians also benefit from other titles of the Act which refer to dropout prevention, bilingual education, and the development of special supplemental centers and regional educational laboratories. S.Rep. No. 91-501, *supra* at 16.

The next piece of legislation which had a substantial impact on Indian education was the Indian Education Act of 1972, 86 Stat. 334. This Act, which is actually Title IV of the Education Amendments of 1972, 86 Stat. 235, specifically amended P.L. 81-874, *supra*, by adding as Title III "Financial Assistance to Local Educational Agencies for the Education of Indian Children." Title III of P.L. 81-874 then became Title IV of the same Act. In the declaration of policy, the special educational needs of Indian children were recognized and the policy of the United States was stated to be financial assistance to local educational agencies for "elementary and secondary school programs specially designed to meet these special educational needs." 20 U.S.C. § 241 aa (1974).

Part B of the Title IV, 20 U.S.C. § 887c(a), (b), (c) (1974), amended Title VIII of the Elementary and Secondary Education Act of 1965, *supra*, by adding to E.S.E.A. a section providing for special programs and projects to improve educational opportunities for Indian children. This includes grants for planning, pilot and demonstration projects, and the operation of preservice and inservice training programs for persons serving Indian children as education personnel. An appropriation of $25,000,000 for the fiscal year ending June 30, 1973, and $35,000,000 for each of the next two fiscal years was provided for implementation of Part B 86 Stat. 341.

Part C of Title IV, 20 U.S.C. § 1211 a (1974), amended Title III of E.S.E.A. (the Adult Education Act) by adding special programs relating to adult education for Indians. An appropriation of $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the next two years was provided for implementation of Part C. 86 Stat. 343.

Part D of Title IV, 20 U.S.C. § 1221 (1974), established an Office of Indian Education within the Office of Education, which is headed by a Deputy Commissioner of Indian Education charged with the responsibility of administering Title IV programs. Part D also established a National Advisory Council on Indian Education which, among other things, "shall advise the Commissioner of Education with respect to the administration . . . of any program in which Indian children or adults participate from which they can benefit, . . . and with respect to adequate funding thereof;" 20 U.S.C. § 1221 g (1974).

Part E of Title IV amended the Higher Education Act of 1965, 79 Stat. 1219, by providing Indian preference in the training of teachers for children living on reservations serviced by elementary and secondary schools for In-

dian children. 20 U.S.C. § 887c(d) (1974). Part E also recognized as a local education agency within Title IV "a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner (of Education) . . . " 86 Stat. 345.

The Indian Education Act of 1972 was perhaps the most encompassing piece of Indian education legislation to that point in time, dealing with all facets of Indian education. The objective of the Federal Government in approving and appropriating monies for I.E.A. appears to be the upgrading, expansion, and overseeing of Indian eduation. The responsibility of the Federal Government to Indian education was never more apparent than in I.E.A., which provided special educational programs for Indian adults, Indian children, and those persons who would provide educational instruction for Indians. Evidence of the popularity of I.E.A. is the fact that as S. 2482 it passed the Senate 57-0 on October 8, 1971. 1972 U.S. Code Cong. and Adm. News 2595.

Doubtless, the most explicit Federal acknowledgement of a responsibility to Indian education occurs in P.L. 93-638, the Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C. §§ 455-458e (Cum. Supp. 1978). P.L. 93-638 is for the benefit of Indians alone, and was intended "to promote maximum Indian participation in the government and education of the Indian people; . . . to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities . . . " 1974 U.S. Code Cong. and Adm. News 7775, 7776. The Act itself begins with the language, "The Congress, after careful review of the Federal Government's *historical and special legal relationship* with, and *resulting responsibilities* to, American Indian people, . . . " 88 Stat. 2203 (1975). The declaration of policy within the Act states that "The Congress hereby recognizes the *obligation of the United States* to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities." 88 Stat. 2204 (1975).

P.L. 93-638 goes on to provide for the Secretary of the Interior and the Secretary of H.E.W. to contract with Indian tribes or tribal organizations for tribal operations of B.I.A./I.H.S. programs and services. It also amended JOM in order to provide more Indian control of assistance contracts to public schools enrolling Indian students, and authorized the Secretary of the Interior to provide assistance for construction to public schools enrolling Indian students. 1974 U.S. Code Cong. and Adm. News 7776.

The explicit acknowledgement by the Congress of a "historical and special legal relationship" with Indians and "resulting responsibilities" therefrom reaffirms the acceptance by the Federal Government of a Federal responsibility to Indian education. P.L. 93-638 is then another attempt by the Federal Government to comply with that responsibility.

Finally, the 95th Congress enacted two major pieces of legislation which specifically address the area of Indian education. P.L. 95-471, the Tribally Controlled Community College Assistance Act of 1978, 25 U.S.C. §§ 1801

et. seq. (Cum. Supp. 1978), provides grants for the operation and improvement of tribally controlled community colleges. A total of $89.6 million was appropriated for this purpose. To be eligible for assistance, a tribally controlled community college must meet three criteria under 25 U.S.C. § 1804 (Cum. Supp. 1978): (1) be governed by a board of directors or board of trustees a majority of which are Indians; (2) demonstrate adherence to stated goals, a philosophy, or a plan of operation which is directed to meet the needs of Indians; and (3) if in operation for more than one year, have students a majority of whom are Indians.

The other piece of legislation concerned with Indian education is Title XI of the Education Amendments Act of 1978, 25 U.S.C. § 2001 *et. seq.* (Cum. Supp. 1978). P.L. 95-561, as it is normally referred to, provided for the development of standards for the basic education of Indian children who are attending B.I.A. schools or schools contracting with the B.I.A. 1978 U.S. Code Cong. and Adm. News 5087. P.L. 95-561 also called for the following actions within the B.I.A. programs: creation of a national criteria for dormitory living environments; development of a system establishing priorities for school construction projects; transfer of responsibility and authority over all B.I.A. education programs to the Director of the Bureau's Office of Indian Education Programs; a system for allotting B.I.A. education program funds based on per capita student counts; uniform and direct funding and support for B.I.A. and contract schools; exemption from civil service competitive exams in the hiring of new educational employees of the Bureau; establishment of computerized information system between the agencies, areas, and central office; a policy paper by the Office of Indian Education Programs within the B.I.A. setting forth education policies, procedures and practices for all educationally-related activities; and active recruitment of Indian educators by the Secretary of the Interior. 1978 U.S. Code Cong. and Adm. News 5087-5094.

P.L. 95-561 also authorized I.E.A., *supra*, for five more years and provided an amendment which allows assistance for culturally related academic needs. 1978 U.S. Code Cong. and Adm. News 5095.

P.L. 95-471 and P.L. 95-561 are clear manifestations of compliance with the Federal responsibility to Indian education. The fact that the two Acts are specifically designed to address the educational needs of Indians is yet a further example of the special treatment and considerations accorded Indians by the Federal Government.

D. Summary and Conclusion

The basis of the federal trust responsibility to Indians in general is found in a number of foundational cases. The Indian tribes in early American cases were characterized as ". . . denominated domestic dependent nations . . ." Their relation to the United States resembles that of a ward to his guardian." *Cherokee Nation v. Georgia,* 30 U.S. 1 (1831). The issue of tribal *sovereignty* arose a short time later, and the Supreme Court stated that Indian nations ". . . had always been considered as distinct, independent political communities, retaining their original natural rights . . ." *Worcester v. Georgia,* 31 U.S. 515 (1832). An explicit judicial declaration of a trust responsibility occurred in *Seminole Nation v. United States,* 316 U.S.

286 (1942) when the Court stated, "Under a humane and self imposed policy which has found expression in many acts of Congress and numerous decisions of this Court, it (the Government) has charged itself with moral obligations of the highest responsibilities and trust. Its conduct, as disclosed in the acts of those who represent it in dealings with the Indians, should therefore be judged by the most exacting fiduciary standards."

A major manifestation of the general trust responsibility has been realized in the area of Indian education. As outlined above, the Federal Government has historically attempted to educate the Indian almost from their initial contact with each other. As this paper has repeatedly demonstrated, Indians have consistently been signed out for special treatment in applicable educational legislation. This trust responsibility is nowhere more apparent than in more recent legislation such as P.L. 93-638, the Indian Self-Determination and Educational Assistance Act. P.L. 93-638 explicitly acknowledges the Federal responsibility to Indian education by use of such language as a "historical and special relationship" with "resulting responsibilities." The sum result of such language in a key piece of legislation like P.L. 93-638 can only lead to the conclusion that the Federal Government has long ago accepted and confirmed the proposition that there is a Federal trust responsibility to Indian education.

II. REQUIREMENTS FOR AN INDIAN EDUCATION COMPONENT WITHIN THE NEW DEPARTMENT OF EDUCATION

A. Guarantee of Maintenance of Trust Responsibilities

This requirement merits little further attention, since the entire position paper has been devoted to the historical development of a Federal trust responsibility to Indian education. A sound argument would rely on the language of the Court in *Seminole Nation v. United States,* referred to in the Summary and Conclusion, and Congressional acts which have borne out the validity of various forms of the trust responsibility. Also, the fiduciary standards imposed upon the Federal Government as trustee are of the highest moral order, which correlates with education being recognized as an extremely vital aspect of the trust responsibility for the development of the American Indian. The important thing to keep in mind is that the legislative enactments of the Federal Government are to be viewed as practical manifestations of the judicially created fiduciary standard articulated in *Seminole Nation.*

B. Assurance that Indian Preference Will Be Implemented As a Policy for all of Indian Education

Indians have long been accorded special considerations in many different areas, including education. For example, the Supreme Court was asked to declare that §12 of the Indian Reorganization Act of 1934, 25 U.S.C. §472 (1963), which grants to Indians an employment preference in the Bureau of Indian Affairs, was violative of the antidiscrimination provisions of the Equal Employment Opportunity Act of 1972, 5 U.S.C. §§5108, 5314, 5315, 5316 (Cum. Supp. 1978); 42 U.S.C. §§2000e, 2000e-1-2000e-6, 2000e-8, 2000e-13-2000e-17 (1974), and that the Indian preference was also

violative of due process. *Morton v. Mancari*, 417 U.S. 535 (1974). Instead, the Court stated that the overriding purpose of the 1934 Act was to establish machinery whereby Indian tribes would be able to assume a greater degree of self-government, both politically and economically. *Morton v. Mancari, supra*, at 542. One of the primary means to accomplish self-government would be to increase the participation of trial Indians in the B.I.A. operations. By the same token, the educational programs initiated under the 1934 Act would also contribute to the establishment of mechinery enabling Indians to assume a greater amount of self-government. Thus, the educational programs of the 1934 Act and subsequent Indian educational legislation would also continue to be accorded special preference under the auspices of contributing to the self-government of Indian tribes.

The Court in *Mancari* also recognized as purpose of according Indian preference the furtherance of the Government's trust obligation toward the Indian tribes and the reduction of the negative effect of having non-Indians administer matters that affect Indian tribal life. This paper has already addressed the trust obligation to Indians and a Federal responsibility to Indian education. Indian education can then be seen as an attempt to comply with the general trust obligation, and a vehicle to assure the employment within the Bureau of Indian Affairs of competent, capable Indians, familiar with the needs of Indian peoples and equipped with the knowledge to make a sabstantive contribution to the advancement of Indian people.

In summary, the Court in *Mancari* pointed out that hiring preference to Indians in the Indian service dates back at least as far as 1834. *Morton v. Mancari, supra*, at 540. Similarly, special educational provisions for Indian education date back as far as 1802 (the Act of March 30, 1802, 2 Stat. 139). The policy of according Indians educational preferences in Federal legislation has a long, continuing history. These educational preferences serve the same purposes as the employment preferences outlined in *Mancari*, and there is no sound, logical reason for discontinuing the educational preferences for Indians, in light of the key role and substantive benefits which Indians have realized from educational preference.

C. The Wording Will be American Indians, Alaska Natives, or Aleuts in Legislation Developing the Indian Education Section of the Department of Education.

Since the legislation will always be concerned with Indian education, it is fairly obvious that "American Indians" will be included as the beneficiaries of such legislation.

Alaska natives, Eskimos, and other aboriginal peoples of Alaska are to be considered as Indians in the Protection of Indians and Conservation of Resources sections within the United States Code. 25 U.S.C. §479 (1963). This section is part of the Indian Reorganization Act of 1934, 48 Stat. 988, so Alaska aboriginal peoples have been included within the Federal codifications relating to the delivery of services to Indian peoples at least since 1934. In addition, the rights of organization, adoption of a constitution, and incorpoation by Charter accorded Indian tribes under 25 U.S.C. §§477 (1963), have been extended to include the Territory of Alaska. 25 U.S.C. §§473, 473a (1963). Thus, the aboriginal peoples of Alaska have been

included in the majority of the important benefits and special treatment which "Indians" are eligible to receive.

Key Indian education legislation has also included Alaska natives and Aleuts as being eligible for benefits which arise therefrom. For example, the Indian Education Act of 1972, 86 Stat. 334, has seen fit to include Alaska natives in the membership composition of the National Advisory Board on Indian Education, as appointed by the President. 86 Stat. 343 (1972). Also under the IEA, Section 453 states, "For the pruposes of this title, the term "Indian" means any individual who . . . (3) is an Eskimo or Aleut or other Alaska Native . . ." 86 Stat. 345 (1972).

Alaska natives and Aleuts have also been included in the Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C. §§455-458e (Cum. Supp. 1978). Section 4(b) of the Act reads, " 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (of 1971) (86 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians," 88 Stat. 2204 (1975). The previously mentioned codifications and inclusion of Alaska Natives and Aleuts within IEA attest to the fact that these particular peoples would meet the definition of "Indian tribe" under the 1975 Act.

Briefly, then, Alaska natives and Aleuts have been accorded educational treatment as "Indians" for quite some time. The continuation of this legislative policy appeals to us to require more of a combined political effort to assure its viability. A continuation of this policy will prove to be a significant contribution to the Alaska natives and Aleuts as they educate their young people in order to cope with the numerous social and economic problems which they presently face.

APPENDIX G

RESOLUTION

NATIONAL INDIAN OMNIBUS LIBRARY BILL

Whereas there is at the present time no funding in any agency dedicated to the development or operation of library systems in Indian country (as defined in 18 U.S.C. 1151, appended); and, whereas such funds as have been used in the past are unreliable, inadequate and usually project-oriented; and,

Whereas library, cultural and information resources at a compensatory level are now urgently needed by American Indian/Alaska Native people living on or near reservations; and,

Whereas the Federal agencies are increasingly aware that Federal trust responsibility relating to education mandates inclusion of library/information resources;

And whereas the states of Arizona, Illinois, New Mexico, Michigan, Montana, Washington, Wisconsin have called for the White House Conference to support specific Indian library legislation;

Therefore be it resolved that the Congress be asked to enact a National Indian Omnibus Library Bill to include:

- A Title on Training, both pre-service and in-service, to be determined by tribes, Alaska Natives and Aleuts in collaboration with higher education agencies that leads to certification for Indian library workers, and that tribes and their designated Indian organizations and institutions shall be included in such programs. Particular emphasis would be on continuing education and career development, on-the-job experience and work study.
- a Title on historical and contemporary Materials and Dissemination of information in all formats.
- a Title on Construction or remodeling of library/information/cultural resource facilities.
- a Title on Technical Assistance to be provided to new or developing libraries.
- a Title on the Support of library/information services to Indian Studies programs in institutions of higher education.
- a Title providing financial support to Indian communities, both urban and rural, as a means of conducting Information Needs Surveys in building a base for library development.
- Special Purpose program grants and contracts.
- a Title establishing a National Indian Library Center that would do the following:
  - A. Implement the BIA Plan for library/media/information services development as continuously modified, monitored and re-evaluated by the tribal governments operating under it;
  - B. Serve as a stimulus and focal point for the preservation, production, collection and distribution of materials of interest to Indian libraries;

C. Operate as a clearinghouse and referral center for materials (including oral history and language materials);
D. Provide technical assistance through a bank of Indian resource people who can provide intensive, short term help;
E. Facilitate a national network capability;
F. Establish links between the National Indian Library Center and high school and college counselors regarding Indian students and library career training opportunities;
G. Encourage a horizontal approach to information access funding within BIA so that health, social services, economic development, job training and other programs carry their own information services support components.

The National Indian Omnibus Library Bill should be administered by the Department of the Interior's Office of Library and Information Services in line with policies established by Tribal governing boards.

APPENDIX H

THE WHITE HOUSE
Washington, July 19, 1978

Under my proposal for a Cabinet Department of Education, the Indian education programs now located in the Bureau of Indian Affairs (BIA) would be moved to the new Department. I have recommended this transfer because I believe it will make Federal school-based programs more effective.

This transfer will not change the special relationships between the government and Indian tribes and Indian people in any way. These relationships include Federal trust responsibilities, Indian self-determination, and Indian preference in hiring. My goal is to improve the delivery of education services to Indians while maintaining these special relationships.

It is especially important that we maintain educational services to Indians without interruption, protect their civil rights, preserve the integrity of the education programs, and strengthen participation of parents, tribes, and Indian people in the education of their youth. A clear recognition of the importance of these issues will help us achieve an orderly, phased transfer of the BIA programs to the new department, while protecting the interests of Indian people. I expect and hope that Indian tribes and Indian people will work with my Reorganization Project staff to assure that these objectives are met.

Throughout the Nation, our educational systems are facing important challenges. For the first time, the new department will permit a coordinated and high-level response to these challenges. I ask Indian tribes and Indian people to join with us in shaping a new Department of Education that is responsive to their concerns and worthy of their support.

(Signed) JIMMY CARTER

APPENDIX I

INDIAN EDUCATION—No. 2

AMENDMENT OFFERED BY MR. WALKER

On page 25—

After line 7, insert the following new section:

"TRANSFERS FROM THE DEPARTMENT OF THE INTERIOR

"SEC. 307. (a) There are hereby transferred to and vested in the Secretary all functions of the Secretary of the Interior or the Department of the Interior relating to the education of Indians Alaskan Natives, and Aleuts.

"(b) The provisions of subsection (a) shall take effect on the effective date specified in section 601, except that the transfer of functions relating to the operation, construction, and maintenance of schools and dormitories affected by subsection (a) of this section shall be effective at such time or times and in such manner as the President shall prescribe, but in no case later than three years after the effective date of this Act. Not later than one year after the effective date of this Act, the Secretary shall transmit to the Congress a plan for effecting such transfers. Such plan shall be developed in consultation with representatives of the affected tribes, Indian organizations, and other groups.

"(c) The transfer of functions from the Secretary of the Interior or the Department of the Interior shall not—

(1) modify or eliminate any eligibility requirements for participation in programs administered by the Secretary of the Interior or the Department of the Interior which were in existence on the day before the date of enactment of this Act; or

(2) alter in any way the trust responsibility of the United States for Indians, Alaskan Natives, or Aleuts."; and

In line 9, strike out "307" and insert in its place "308" on page 2, in the table of contents, after section 306, insert "Sec. 307. Transfers from the Department of the Interior." and renumber.

APPENDIX J

THE SECRETARY OF EDUCATION
Washington, D.C. 20202, April 28, 1980

NATIONAL ADVISORY COUNCIL ON
INDIAN EDUCATION,
Suite 326,
425 13th Street, N.W.,
Washington, D.C. 20004
(Attention: Dr. Michael Doss)

Dear Dr. Doss:

Several weeks ago, members of the Education Department transition team provided briefings for educational organizations on the proposed placement of programs and the overall organization of the Department. The views expressed at these briefings and in subsequent correspondence from various organizations were extremely helpful to me in reaching final decisions, which I would like to share with you.

I have approved the recommendations as presented at the briefings with the following modifications:

- the *Ethnic Heritage Studies* program is assigned to the Assistant Secretary for Educational Research and Improvement;
- the *Bilingual Vocational Training* program is assigned to the Office of Bilingual Education and Minority Languages Affairs;
- the *Teacher Centers* program is assigned to the Assistant Secretary for Elementary and Secondary Education;
- the *Career Education* program is assigned to the Assistant Secretary for Elementary and Secondary Education; and
- the *Program for the Gifted and Talented* is assigned to the Assistant Secretary for Special Education and Rehabilitative Services.

In addition, I have affirmed the proposed placement of several other programs which were discussed extensively during the consultation process:

- the *Basic Skills, Teacher Corps, Library,* and *Women's Educational Equity Act* programs are assigned to the Assistant Secretary for Educational Research and Improvement;
- the *Indochinese Refugee Assistance* program and the *National Clearinghouse for Bilingual Education* are assigned to the Office of Bilingual Education and Minority Languages Affairs;
- *Indian education programs* and *migrant education programs* are assigned to separate offices within the Office of Elementary and Secondary Education and will report directly to the Assistant Secretary;
- *Lau-related assistance activities* authorized under Title IV of the Civil Rights Act are assigned to the Assistant Secretary for Elementary and Secondary Education; and
- *special institutions,* which include Gallaudet College, Howard University, National Technical Institute for the Deaf, and the American

Printing House for the Blind, will report to the Secretary on policy matters, and to the appropriate Assistant Secretary for coordination purposes.

I appreciate your continuing support for the Education Department.

Sincerely,

(Signed) SHIRLEY M. HUFSTEDLER

* U. S. GOVERNMENT PRINTING OFFICE : 1981 329-869/8101

THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION*

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Ms. Marietta A. Hill, Seneca
Secretary

Presidential appointments are not to exceed a three-year term.

*Attention. Please note that all Council officers and Committee and Task Force Assignments changed after August, 1979 (SEE Appendix C).